

[Mr. T. M. Narasimhacharlu] [25th August 1926]

turn it upside down and if he wants to vote for the second man from the top, he would certainly vote for the second man from the bottom. There will be this danger which will have to be considered by the Government."

The motion was by leave withdrawn.

The demand was put to the House and carried and the grant was made.

Grant XV.

* The Hon. Mr. A. Y. G. CAMPBELL:—"I beg to move, Sir,

that the Government be granted an additional appropriation of Rs. 14,816 under "Grant XV—Police—Reserved" on account of the employment of a temporary additional staff of one Deputy Superintendent of Police, one sub-inspector, eight head constables and twenty-six constables for work connected with the reclamation of Kallars in the Tanjore district, viz., 26-C.—Police—District Executive Force—1. District Police—Police Force—General—Temporary.

<i>Item of expenditure.</i>	<i>Ultimate cost per annum.</i>	<i>Cost during 1926-27, eight months' charges.</i>
	<i>Rs.</i>	<i>Rs.</i>
1 Deputy Superintendent (Rs. 300)	3,600	2,400
1 Sub-Inspector (Rs. 60)	720	480
8 Head Constables (Rs. 27)	2,160	1,440
26 Constables (Rs. 17)	5,304	3,536
<i>Allowances.</i>		
Uniform allowance—34 (Rs. 1)	408	272
Travelling allowance	9,000	6,000
Honoraria (Rewards)	750	500
Contract contingencies	750	500
Supplies and services—General—Miscellaneous.	1,200	800
<i>Total ..</i>	<i>24,324</i>	<i>16,216</i>

I deduct cost of one Inspector (Rs. 175) for eight months who will not be employed and for whom provision has been included in the Civil Budget Estimate—Rs. 1,400.

Net extra cost during 1926-27 is Rs. 14,816.' "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I second the motion."

The demand was put to the House and carried and the grant was made.

VII

ANNOUNCEMENT REGARDING DAYS ALLOTTED FOR NON-OFFICIAL BILLS.

* The hon. the PRESIDENT:—"I have to inform the House that under Rule 6 of the Legislative Council Rules His Excellency the Governor has been pleased to allot three days for the transaction of the business of non-official Bills during this meeting."

VII

A BILL TO RE-ENACT THE MADRAS HINDU RELIGIOUS ENDOWMENTS ACT, 1923.

* The hon. the RAJA OF PANAGAL:—"Mr. President, Sir, I beg to move *that the Bill to re-enact the Madras Hindu Religious Endowments Act, 1923, be read in Council.*"

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[The Raja of Panagal]

"The sanction of the Governor-General in Council has been obtained for the introduction of the Bill and the Bill has been duly published in the *Fort St. George Gazette*. It has been considered that the introduction of the Bill is urgently due.

"With your permission, Sir, I shall briefly refer to the circumstances which necessitate the immediate introduction of the Bill. Many of the hon. Members might be aware that ever since the enactment of the Hindu Religious Endowments Act of 1863 there have been repeated instances of corruption and mismanagement in the administration of several well-known religious institutions in this Presidency and that men of light and leading thought that the recurrence of these instances was due to the defects in the existing law. Eminent men like the late Mr. Vembakam Rama Ayyangar, Sir T. Muthuswami Ayyar, Sir V. Bhashyam Ayyangar, Sir Subrahmanya Ayyar, Diwan Bahadur Rajaratna Mudaliyar, Diwan Bahadur Raghunatha Rao, etc., thought that it was their duty to bring about improvement in the law relating to the administration of the Hindu religious endowments in this Presidency. From time to time they made attempts to improve the law but unfortunately, owing to circumstances beyond their control, their attempts proved infructuous. After the introduction of Minto-Morley Reforms too, vigorous attempts were made by various members in the Provincial Council and in the Imperial Council. Those attempts too shared the fate of their predecessors.

"It is within the knowledge of the hon. Members of this House that, after the introduction of the Montagu-Chelmsford Reforms, this Council interested itself in introducing a Bill to improve the law, that a committee was appointed and that that committee was presided over by the hon. the Raja of Ramnad. As a result of the deliberations of the committee, a Bill was drafted and the Bill was later on introduced in the Council. The Bill then went through the required stages; it was referred to a Select Committee and, it was considered and finally passed by the Council. Later on, the then Governor, Lord Willingdon, however, returned the Bill for consideration of some amendments recommended by him. The Council passed the Bill as amended and in January 1925 the Bill received the assent of His Excellency the Viceroy. Of course, there was opposition at the various stages of the Bill, but the opposition was confined to a small section of this Council.

"Sir, after the Bill was passed and became Act I of 1925, the Board of Commissioners was constituted to carry on the administration as required by the Act. The Board has been doing good work as the result of which the management of many of the temples has considerably improved.

"Of late, however, some of the trustees filed suits questioning the validity of the Act and the constitution of the Board. These suits are engaging the attention of the High Court. On account of the institution of the suits and the stay orders obtained by the plaintiffs in the suits, the Board finds itself handicapped in its administration. The contributions due to the Board are in many cases withheld.

* Vide Part IV of the *Fort St. George Gazette*, dated 10th August 1926.

[The Raja of Panagal]

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"The Government have, in the circumstances referred to, been advised to introduce a Bill to re-enact the Act I of 1925 so as to remove any doubts that may exist regarding the validity of that Act.

"Questions have been raised as to the necessity for the introduction of the Bill at this perhaps final sitting of this Council. If it is not introduced immediately, large sums of money belonging to the temples will be wasted on litigation. After all, the litigation is merely one of academic interest. If the law laid down in Act I of 1925 is necessary, it is bound to be legislated sooner or later; nothing substantial will be gained by carrying on the litigation. It is understood that commissions have been asked for to examine Lord Willingdon in Canada and Lord Reading in England. The grant of these commissions would mean the depletion of the endowment funds. As Minister in charge of religious endowments in this Presidency, I feel it my duty to prevent waste of endowment funds. The trustees who carry on this wasteful litigation do not seem to feel the pinch of this wastefulness. They spend not from their pockets but from endowment funds. If it is possible to put a stop to the wastage of money in this direction, why not we do it? I hope and trust that the hon. Members will agree with me in thinking that it is time to legislate for the re-enactment of the Act of 1925 and vote on the motion."

The hon. Rao Bahadur Sir A. P. PATRO:—"I second the motion."

Rai Bahadur T. M. NARASIMHACHARLU:—"I beg to move, Sir,

'that the consideration of this Bill be adjourned to the next sitting of the Council.'

"I advisedly use the word 'sitting' because on a former occasion when this Bill was considered, it was contended that the Council was one even though there might be general election once in three years. I think you were then the President; you will remember that point. (Voices:—No, no.) Even though it was not in your time, it was in the time of your predecessor. I submit that the consideration of this Bill may be adjourned to the next sitting of the Council, i.e., to the new Council."

* The hon. the PRESIDENT:—"There is difficulty about the word 'consideration.' The hon. Member will use some other word."

Rai Bahadur T. M. NARASIMHACHARLU:—"I move

'that the discussions of this Bill may be postponed to the new Council.'

"My reasons are these. . . ."

* Diwan Bahadur M. KRISHNAN NAYAR:—"On a point of order, Sir. My hon. Friend's motion is that the discussion of this Bill be postponed to the next meeting of the Council which, according to him, is the next Council. There is a rule which says that the Bills will lapse with the life of the Council so that my hon. Friend is out of order."

Rai Bahadur T. M. NARASIMHACHARLU:—"I rely on Standing Order 34. A motion that a subject be adjourned can be moved at any stage and if the hon. Member from Malabar thinks that there is the danger of this Bill lapsing we welcome it. That is my purpose. My hon. Friend need not be anxious that we do not want that this Bill should lapse. Therefore my

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point is that I am in order and I shall proceed to give my reasons for the adjournment of the discussion of this Bill. It is well-known—and nobody will misunderstand me for stating it—that from the very beginning when this Bill was introduced in this Council I have been opposed to the provisions of this Bill.

"Withal my experience of these six years in this Council, I have not been able to change my view on the usefulness of this Bill. I began with objections and will continue to object to the provisions of this Bill as long as I am a Member of this Council, so that no one will take objection or exception to my attitude with reference to this Bill. In the first place . . ."

12-15 P.m.

* The hon. the RAJA OF PANAGAL :—"May I know, Sir, whether it is a general objection to the consideration of the Bill itself?"

Rai Bahadur T. M. NARASIMHACHARLU :—"I have got objection from every point of view and I shall now premise by stating that the Bill itself is very objectionable from every point of view and in every aspect. Why I want that the consideration of this Bill be adjourned is this; that from the very beginning, unfortunately for this Bill, its progress has always been characterized by an undue haste and I want to deprecate any undue haste with reference to this particular stage of the measure as well. It is that haste which has brought about this disaster, of bringing in as a Bill for re-enactment, a measure which has been already passed. Now, Sir, originally, instances of haste are patent in this very business. On the 3rd of this month, the Bill was published in the *Fort St. George Gazette*, and again on the 10th we find another Bill has been published. Well, what is it, if it is not an instance of haste? (Hear, hear.) Then, Sir, we had to conduct our business on the 18th instant and perhaps, it was because that only on the 10th instant this Bill was published, and that we would have had just six clear days' notice of it as we all get the *Gazette* only on Thursdays in the mufassal, that an adjournment of this Council was considered necessary to-day. I do not know what was working in the mind of the Government.

"Now, another thing is that this Bill, if it was merely sought to be reintroduced, there would have been no objection at all. But, we find new changes. A few days' notice has been given that your assistance will be invoked for suspending the Standing Order and for enacting this Bill into law in this very sitting. Well, Sir, I appeal to the Members in the same way as the hon. Minister has done to consider whether this is such a trifling Bill, or such an unimportant measure that we can at one sitting of this Council dispose of it without due consideration being given to its elaborate provisions. I submit, Sir, the same fate will ultimately come to this Bill as it has encountered till now. On account of undue haste we are now brought to the present state of things, and I submit, Sir, therefore, that as it is intended that this Council should take up the further consideration of this Bill and will go to the length of passing it into law, this is not such an unimportant matter which can be disposed of at one sitting.

"Further, I understand, Sir, that the Governor-General in Council has given his consent to the Act of 1923. He has given his consent expressing the hope that certain amendments would be carried out. I find, Sir, no

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indication is expressed by Government that these amendments have been either incorporated in this Bill or that they would be brought forward hereafter for being incorporated in this Bill."

* The hon. the RAJA OF PANAGAL :—" I say, Sir, they have been incorporated."

Rai Bahadur T. M. NARASIMHACHARLU :—" Anyhow, Sir, this is another instance of haste. Generally, if there is a change in the language or in the intention of the Bill, it will be set in *italics*, and it will be referred to in the Statement of Objects and Reasons. Now, Sir, we find no *italics* in the revised Bill. We find no mention of the changes in the Statement of Objects and Reasons. No doubt the hon. Minister will say, 'you are expected to compare and contrast'. We have not got time to go through each and every word of the Bill. The Government have not indicated the changes in the revised Bill, so that Members may at once see and then concentrate their attention upon those provisions. Be that as it may. I submit, Sir, that we have not had sufficient notice of the changes that the hon. Minister says that have been incorporated in this Bill. Therefore, we want time to consider these things.

" Again, Sir, most of us have been under the impression that this Bill will be introduced and that it will undergo the usual procedure, that there will be a Select Committee, the report of the Select Committee, publication of the Bill as amended by the Select Committee and consideration of amendments brought forward by the Members for the Bill as amended by the Select Committee. We have had no reason whatsoever to suppose that this will be brought forward and passed into a measure all at once in this sitting, and therefore, we did not think of amendments at all and we were taken by surprise. These are the general considerations. In the first place, this is not an unimportant Bill. In the second place, the changes made by the Government have not been incorporated in the Bill. In the third place, we have had no time given to us to formulate our amendments to this Bill. Apart from these general considerations, I have got objections to the important provisions in this Bill, especially with regard to the inclusion of maths. I am very glad, Sir, that the hon. Sir T. Sadasiva Ayyar is here. It is well known how these maths are managed."

* The hon. the PRESIDENT :—" I am afraid, the hon. Member is going into the merits of the Bill. He has moved a motion for adjournment of the discussion of this Bill. I would ask him to confine himself to the motion."

Rai Bahadur T. M. NARASIMHACHARLU :—" Now I shall only briefly refer to some of the points mentioned by the hon. Minister. He said that one great object for hastening this Bill and getting it passed into law was that the Commissioners were unable to do their work now, because the several institutions had not contributed their quota to their proper working, and consequently he wanted to prevent the institutions from spending large sums of money over the litigation that was pending in the High Court. I submit, Sir, that the latter is a very laudable idea indeed . . . (Hear, hear.) Laudable, because it is the object of the people also that the trustees shall not waste their money upon litigation. But I submit that it does not come with a

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good grace from the Government or the Board of Commissioners who are the defendants in the suit. If this point had been raised before the suit had been instituted, there would have been very great force in that argument, but as it comes now, Sir, now that the suit had been instituted and that the Government are the defendants, the Government do not consider litigation necessary. The Government do not want that we should spend a lot of money over these litigations. The point is no doubt very laudable by itself, but it does not come with good grace from Government at this juncture. This is my answer to that point. It was stated that the Commissioners have not had sufficient funds to carry on their work and that they were prevented by several institutions not paying their contributions. I am always one who thinks that every one is an honest person and every one believes in what he says. If the institutions think that they are bona fide and think that there is some illegality in this Act, that it is not a valid law and that they are not bound by it, Sir, are we not bound to give them the benefit of it and assume that they are acting bona fide in refusing contributions and litigating the question? That is my attitude with reference to their not paying their contributions. Sir, there are two sides to every question. The Government of course are bound to consider every point of view, to consider both sides of the question. But unfortunately, somehow or other, the Government think that they are the saviours of this province in the matter of religious institutions. I entertain a different view from the Government on this matter, and I think on a most important question like this, the hon. Minister himself has said that sooner or later, this Bill is bound to become law. If it is sooner or later bound to become law, why should it be sooner done than later. A few months' pause will not bring us to ruin and the institutions will not misappropriate or mispend the money. I therefore submit, Sir, that there is no hurry at all at present on an important question of this kind. Even if a good thing is done precipitately and hastily, it is not likely to be received in good grace by the people. Therefore, in the good name of the Government and for the good name of the hon. Minister himself, whom I always hold in high esteem and veneration, if I may be permitted to say so, I say that we ought to postpone the further discussion of this Bill to the next meeting of the Council. I have no doubt that he will be returned and that he will be the Chief Minister once more. Therefore I say, Sir, let him have implicit faith in Providence for whom he is now legislating and that Providence will not fail him in the hour when he most needs His help. Therefore, let him wait patiently, let him place implicit faith in the people for whom he is doing good work. Then, Sir, he will be able to carry the Council with him when the next Council sits and he will earn the gratitude of the millions of the Hindus for whom he is working. With these words I appeal to him not to hasten the matter now."

* Mr. K. PRABHAKARAN TAMPAN :—" Sir, I wish to second the motion. In doing so, I should like to make my position clear. I come with more or less a definite mandate from my constituency. There are about 230 voters in my constituency and with the exception of eight or nine Muhammadans, all the rest are trustees of temples. My family itself own about 14 endowed temples and 32 unendowed temples. Therefore, Sir, you can easily understand why I am anxious to have a fair and reasonable measure. Sir, my point

12-30
p.m.

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is that the Act has been before us for too short a time and we are not now in a position to know in what all ways it is defective. It is a curious thing that the Board of Commissioners, which is the most competent authority to say anything on the working of this Act, has kept silent till now. I thought they would have publicly stated in what ways the Act worked to the detriment of the temples. Sir, the Statement of Objects and Reasons incorporated in the Bill does not represent the opinion of the Board. It was said, that the measure was only a validating Bill. That is what is stated in the Statement of Objects and Reasons. But now we find that the suggestions made by His Excellency the late Viceroy, Lord Reading, have been incorporated into the Bill. It was only this morning that I heard about it. As a matter of fact, some of us do not remember what the suggestions of the Viceroy were. I have only a hazy idea of the specific recommendations made by the Viceroy and I feel that I am incompetent at this stage to help the Council with my opinion about them. Sir, now that an opportunity has been given to re-enact the Bill, it is up to us to thoroughly overhaul the measure and to get rid of the unsatisfactory features in it. I personally believe, Sir, that in the whole Bill the Board of Commissioners is the most unsatisfactory feature. Speaking for Malabar, I cannot understand how the personnel of the Board . . .

* The hon. the PRESIDENT :—"Order, order. I am afraid the hon. Member is wandering into the merits of the Bill. He must speak on the motion for adjournment of the discussion of this Bill."

* Mr. K. PRABHAKARAN TAMPAN :—"May I not point out, Sir, in what way the Bill is defective? You will allow me to do that."

* The hon. the PRESIDENT :—"This is not the stage."

* Mr. K. PRABHAKARAN TAMPAN :—"Well, Sir, then I will confine myself to only one aspect of the question. The Bill has been before the public only for a short time and sufficient notice has not been given to the constituents to help the Members with their opinion. This is a matter which affects the very existence of the Hindu community. This is the fag-end of the life of this Council and anything done haphazardly will not be improving it, but would only injure it. There is no urgency about it and if this is put off now, we will be in a position to go to the constituents and come back with specific instructions to the Council, and then deal with the Bill properly. Until then, Sir, I am afraid that I personally will not be doing my duty to my constituency if I do not support the motion."

* Rao Bahadur T. A. RAMALINGA CHESTIYAR :—"Sir, I am sorry I cannot see eye to eye with the hon. Members who have preceded me. They have, to my mind, misunderstood the situation in which we are at the present moment. We are not at the present moment trying to legislate a fresh measure for the administration of the religious endowments of this Presidency. We have done that already. Sir, for a long time this question of legislating for the better administration of the religious endowments in this Presidency was before the country and the consensus of opinion on all sides, official, non-official and of persons belonging to the various communities were directed to find some means of bettering the administration of these bodies. It was as a result of that, that the Government themselves made several attempts to introduce legislation. As soon as

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the new reformed Council came into existence, Sir, I gave notice of a motion to have legislation introduced on certain lines. That resolution could not be taken up, but it was in consideration of that resolution that a committee was appointed to draw up a Bill with reference to this matter. That committee sat, and in that committee as well as in the Select Committee which sat on the Bill as introduced in this Council, there were differences of opinion of a serious kind with reference to one or two important matters. Of course, it is the case with almost every measure; and in the case of no big measure can it be said that all the provisions are accepted by any one person. There will be some difference of opinion with regard to some provision or other. For instance, when this question of the Board of Commissioners was proposed by my hon. Friend Mr. Muttayya Mudaliyar,—he happened to be on the Committee—I and some others objected to it. But seeing the form which the Bill took in the Select Committee, we thought that there was no way out of it. We had to agree to this Board because we thought with reference to the other provisions made in the Bill we could not do without the Board. Similarly, Sir, with regard to the maths it was thought that outside interference will have to be objected to. There again, Sir, the same difficulty arose. There was difference of opinion and some of us . . . ”

* Sriman SASIBHUSHAN RATH Mahasaya :—“ Is that not going into the merits of the Bill, Sir ? ”

* The hon. the PRESIDENT :—“ The hon. Member is developing the point that no Bill can be completely satisfactory. ”

* Mr. S. SATYAMURTI :—“ What has that got to do with the adjournment motion ? ”

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ If my friend will wait for a minute or two, I think he will find what it has to do with this motion. As I said, Sir, no Bill can satisfy anybody in every portion. There will be difference of opinion with reference to particular portions of the Bill on one side or the other. But what was done in this Council was that the Bill was passed by a very large majority. We find, Sir, that an unsatisfactory procedure was followed by the Government, by the Viceroy and by the Governor. Some of us thought that the procedure was wrong and we showed our displeasure in an emphatic manner by leaving the Council and thereby showed to the Viceroy that the procedure adopted by him was in our opinion wrong. If that objection that we raised had been heeded to at that time and this Bill was then revised and the revised Bill introduced at once, Sir, there would have been no difficulty whatever. Unfortunately our view of the matter was not accepted by the Government and we are now in this position, namely, that that illegal procedure was adopted, and the Bill was passed under that illegal procedure to which at the present moment objection is being taken. Well, Sir, what is now sought to be done is only to re-enact the measure as it was passed by a very large majority in this Council. We are not concerned now, I beg to submit, with the details of the measure. There will be time enough to consider them later . . . (Voices: Why not?) We are now in this position that we have got to see that the procedure in passing it is regularised. Some cloud is being raised with reference to the binding nature of the Act and its provisions. Are we justified in leaving

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that matter in that position? If the Bill had not become an Act, I can well understand the position of the hon. Members of this Council that we will have to go into it in detail. We will then have to change things here and there according to our own desires; but now we have got an Act about whose validity there is some doubt cast. It is in operation now and the administration of the endowments under that Act is going on. Now, what is the position of the hon. the Minister and what is the step that the Government should take in a matter like this? It seems to me, Sir, in my humble judgment, that it is the duty of the Government, as soon as they thought that there was some reasonable doubt, as soon as they thought that there was some reasonable chance of argument on the other side, they ought to have come up and put this matter on a proper basis. My complaint against the hon. the Minister is that he has not come to this Council soon enough. He has allowed a long time to pass. It will be almost criminal folly on his part to leave this matter unsettled at this time. This Council is coming to an end. It may be, I do not know, that in spite of what my hon. Friend Mr. Narasimhachari said,—I do not occupy the advantageous position he does, and I have no right to prophesy,—it is possible that the hon. the Minister who is in charge of this Bill may not be in charge of the same Bill again. What will become then? (Voices: 'Heavens will not fall') Heavens will certainly fall. (Voices: 'You will be in charge of this Bill.') If I am in charge of the Bill, then I will tell you what I will do. Now, Sir, we have to take things as they are. The position will simply be this: if there was no Act, certainly I will agree with those who want an adjournment of the discussion of this matter; but when there is an Act, when that Act is being administered and when a Board is constituted, supposing in each munsif's court and sub-court points are raised in suits that the particular trustee who was appointed has no power to go on with his work because he has been appointed by the Board or by a committee appointed under this Act, what is to be the position? The elections, Sir, under this Act are to take place soon. What will be the position then? The Board's orders will be invalid. Anybody can raise an objection as regards the validity of the orders of the Board or of the committee or of the trustee. Are we to be in that chaotic condition? I beg to submit, Sir, that to my mind it seems that it will not be dealing with the people properly. So far as the Government are concerned, they will not be doing their duty if they are going to leave matters in that chaotic condition. So, Sir, it will be the duty of the Government as well as of this Council to pass this measure by a very large majority and to put the legislation and the trusts under the Act which has come into force on a sure foundation without any flaw and without any question of attack on this side or that. Well, Sir, there is a point that may be raised, I may mention, with reference to the fact that suits are pending in courts. What is the position? If it is a matter where private vested interests are concerned, it will not be fair for the Government to enact a measure whereby you can take away vested rights, but it is a matter of administration of public institutions. Such being the case, I beg to submit, Sir, the sooner all doubts are cleared, the better it would be for the country and for the interests of these maths themselves. It is on these considerations, Sir, that I think we ought to re-enact this measure without any loss of time.

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"I have to say just a word about the revised Bill that has been published. The safer course that suggests itself to me is to re-enact this measure as it was passed in the old Council, because that Bill was passed by a large majority in this Council and we are bound to pass it in this Council without raising any question. If anybody wants, any change, the proper course will be to have the changes to be made embodied in an amending Bill; but now we find one or two changes have been made by the hon. Minister. I would ask him, Sir, in view of the fact that these changes are made, that he would allow some time, a few days, to consider these changes which he has made, especially after what Mr. Prabhakaran Tampar said, that he was not aware of the changes made. If, for instance, Sir, you will agree to have the attention of the Members drawn to the particular changes he has made and you will allow a few days for the consideration of those particular changes, I think it would be proper for the Council to pass it as introduced. Otherwise, I will strongly advise him to confine himself to the original Act that was passed. Therefore, Sir, for the good name, as well as for the security of the country, it is absolutely necessary that we should pass this measure at the present moment and see that this re-enactment is passed without any loss of time. It is for these reasons that I oppose the motion."

* Mr. R. SRINIVASA AYYANGAR :—"Mr. President, Sir, it has become the normal feature of this Ministry to rush through Bills of a far-reaching and important character at the tag-end of its life or when its life is fast ebbing.

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(The hon. Rao Bahadur Sir A. P. PATRO :—"Question").

"You may question it, Sir, but that is my opinion. The House will perhaps remember that in April 1923, just on the eve of the last Council, a Bill that subsequently became an Act was rushed through in the teeth of strong and legitimate opposition that was presented to it on this side of the House. It fell to my lot to point out what I characterized as the important storm centres of this Bill. The bulk of the members, more than once, attempted to steer clear of the storm centres, but so far it has not been successful. But on coming to the statement made by His Excellency the Viceroy so early as February 1925—we are now in August 1926—we find the following. His Excellency stated there as follows :—

"His Excellency has given most careful attention to the representations which have been made to him in regard to the provisions of the Act. He cannot shut his eyes to the fact that there is a large amount of dissatisfaction and apprehension in regard to some portions of the Act and he himself has doubts as to the suitability of some of its provisions. In particular, he is unable to regard as satisfactory the procedure laid down for the modification of schemes already settled or deemed to have been settled under the Act. The measure, however, is one which was passed by a majority of the local Council of the Presidency, which included, in fact, a majority of the members of the community primarily affected. It was not to be expected that a measure of this importance would be enacted in the first instance in an unimpeachable form, and there would be no reflection on the action either of the Minister who was responsible for the measure or of the Council which passed it if an amending Bill were to be introduced at an early date to remedy the defects which have been made apparent as the result of the exceptionally close examination which the measure has been subjected to."

"I, for my part, have carefully compared clause by clause of the Bill with the provisions of the old Act and I have not been able to perceive any tangible difference. Here and there, some of the original sections have been split up into two sections and then the old Bill has been made to

[Mr. R. Srinivasa Ayyangar]

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appear before us in a new form, with fresh fetters with the sole idea of rendering legal certain illegal acts and making wrongs look right. We all know that 'Haste makes waste', and this hasty legislation on the part of the Government has landed it in a quagmire from which the present Ministry tries to wriggle itself out. I entirely sympathize with the Ministry. It is their own making, their own seeking. They turned a deaf ear to all criticisms and now at the last psychological moment when we are on the eve of dissolution, a measure of this momentous character is sought to be rushed through. Now, there is absolutely no warrant for a Bill of this character. Two main reasons have been advanced, if I understood the arguments of the hon. the Chief Minister, in support of the position that he has chosen to take. The first reason was that he wanted to prevent unnecessary waste of trust funds. As regards that, I may, in passing, tell you and other members of the House that it is open to the court in awarding costs to release the trust property from all obligation and make the trustee liable to pay costs out of his estate if it is satisfied that the action was vexatious and is not *prima facie* in the best interests of the institution. Such a provision does exist and I cannot understand why the Minister though the Government is not a party, its machinery the Board is a party as defendant should be very anxious about the interests of the plaintiff. That is the position which I am unable to understand. Let me turn to the Statement of Objects and Reasons. To me it looks that, so far as the Minister and the Government are concerned, no such doubts have been entertained by them and we do not want them, however, to go to the rescue of the doubters who have taken the matter before the highest tribunal in the land. It looks very much as if the Government, unwilling to sustain a defeat at the hands of the judiciary, want to forge a new weapon with a view to paralyse the functions of the highest judicial tribunal of the land or, in other words, they want to cover all their mistakes by rushing through a legislation of this character knowing full well that their action is not proper. Moreover, as has been pointed out by the hon. the Mover, this Bill was published only about two weeks ago. We got a copy only on the 12th. We had no time to put ourselves in communication with the electorate and to ascertain their views on the matter. Some of us may hold individual views, but we here are the trustees and guardians of the people whose views and opinions we are bound to reflect and represent and therefore it seems to me that more time is necessary. There is absolutely no fear of the world coming to an end in these two or three months. This Bill may be held up for another three months because we are on the eve of elections. I hope and trust that the next Council will meet somewhere about the end of November or December and nothing will be lost by granting time or by withdrawing this Bill, whichever course suggests itself to the hon. Minister. There is a large amount of feeling in this country that the Ministry is trying to rush this Bill—I don't want to attribute any motives—more with a view to avoid the possibility and I may say the certainty of a defeat at the hands of the judiciary."

* Mr. P. ANJANEYULU :—"Mr. President, Sir, I am rather surprised that my Friend from Coimbatore should have lent his support to the introduction of this Bill at this stage. He reminds me of an old bishop who, when the new world, America, was discovered, sent out deep sighs saying 'Lo!

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behold! there are a number of persons here who cannot reach Heaven because they are not Christians and are not baptised.' Even so, my Friend from Coimbatore seems to think that if the hon. the Raja of Panagal will not introduce this Bill and will not have it made law before the close of this Council and before the new Council comes into being, he fears he may not be there again to introduce this Bill. I do not know whether it is extending a personal courtesy to the hon. the Chief Minister, or whether . . .

* Rao Bahadur T. A. RAMALINGA CHETTIAR:—"I do not know if it can be said that a personal courtesy was extended to the hon. the Chief Minister. I said it would be criminal folly on his part if he did not do it because he knew that there were certain doubts and it was his duty to introduce the Bill as early as possible."

* Mr. S. SATYAMURTI:—"Why did he not do it?"

* Mr. P. ANJANEYULU:—"It is more than 18 months since the receipt of the Bill from the Governor-General with all the suggestions that he was capable of making. We are now on the eve of the dissolution of this Council and he comes forward with a revised Bill. The Bill was published in the Gazette by the 16th August, Sir, and it was translated into one vernacular (only Telugu) on the 17th of this month. There was hardly time for the people who are affected by this Bill to go through the provisions of this Bill and to understand it intelligently. It is not merely we, Sir, that are sitting here that are interested in the Bill, but there is a very large majority in the outside world for whom it is intended to be enacted, to save them from all the folly and all the trouble into which they have been sunk all these long years. The hon. the Chief Minister says many attempts to introduce a Bill of this nature were made, I think, beginning with Sir T. Muthuswami Ayyar and ending with him. For all these many years, people are sunk under the disadvantages everywhere for want of a Bill like this. Cannot they remain where they are for a little longer, three months more? Well, Sir, the dangers are many. Already this portion of the House, on the 3rd April 1924, protested and protested in vain, and they showed their protest by walking out and not taking any part in the discussions of the Bill as it was returned by His Excellency Lord Willingdon with the amendments that he suggested, when we had only to discuss those amendments and not the whole Bill. Now the whole Bill comes, and it is but right that it should come, but what we ask is why we should not be given some little breathing time. It is not proper to have an imprint of indecent haste on the face of this Bill. Where is the necessity of introducing this Bill when some suits are pending in the High Court? You say that doubts have been thrown as to its validity. Who has thrown the doubts? It is not the law court; it is not the public. The doubts were thrown much earlier than now, and when the doubts were thrown and protests were made, the hon. the Chief Minister was not pleased to extend a little more breathing time. He is not prepared to extend a breathing time now. Well, Sir, I am not able to prophesy as much as my hon. Friend from Cuddapah who assures us that the hon. the Chief Minister will again pilot this Bill in the new Council. Well, with those assurances I shall not be able to prophesy whether he or any one will be here. But this much. I shall prophesy, namely, what appears as a speck on the political horizon to-day may develop if time is not given, if opportunity is not taken by the protest

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we make here, may develop into what I may call the 'Hindu Khilafat' agitation. And what has been done till now may repeat itself. And what is being done just to rectify mistakes? One Bill is being published on the 3rd August and again a revised Bill on the 10th August. Surely, that is not the way. It will take long years before a better Bill is introduced. Much of bad blood will crop up in the meanwhile in rushing this measure with a view to see that the expenses that may be incurred in the law courts are averted. Expenses have already been incurred and a little more money possibly will not matter so much as compared with the bad blood that the hon. the Chief Minister may wittingly or unwittingly be the cause to create.

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"In these circumstances, Sir, both the Members of this House and the large outside public make this request to the hon. the Chief Minister. Among the Members of this House there are various religionists. The question of the Khilafat moved the whole world. If a measure of this nature affecting Christianity is brought up, it will certainly move those hon. Members who follow that religious faith. The Hindu element here cast a majority vote last time also that that Bill should not be accepted in the form in which it was introduced. That being the case, I think there is nothing lost if a little time is given for the consideration of this Bill, and if this Bill is introduced after fresh Members have come in after the elections. I therefore appeal to all sides of this House that this being a religious question, we in religious India ought not to rush with this post-haste legislation. We are legislating religion, religion which is higher than all earthly things—a question which in this land, even in these degenerate days, appeals itself most to everybody. In the name of religion, as I once remarked, many atrocities are committed and for the sake of religion many a noble life has been sacrificed. That being the case in this essentially religious land, I hope time will be given for consideration of a measure of this kind."

* Mr. C. B. COTTERELL:—"Sir, I do not wish to deal with any question of the Khilafat (laughter). I may refer to two points which have been raised by hon. Members who preceded me. The first point was that they had not time to consider the provisions of this Bill. Now, Sir, the Bill simply seeks to make three small changes which I shall refer to shortly. It is almost the same as the old Act which they had an opportunity of studying for a year and a half.

"It was complained, Sir, that no information was given as to what the Viceroy and Governor-General wished to amend in the original Act as passed by this Council, and it was asked what amendments have actually been made in the Bill to carry out his wishes. I may now refer to the clauses to which amendments are suggested; they are clauses 57, 65 and 67. The only difference between these clauses and the old clauses of the Act is in the direction of greater freedom to trustees and interested persons to move the courts in the matter of schemes settled by the Board."

* Mr. S. SATYAMURTI:—"Mr. President, Sir, we are all just now so full of elections, of our own chances or hopes, or the chances or hopes of our party—I submit I am speaking for everybody here—we are too full of elections just now to deal with a first class legislative measure with that calmness, detachment, and impartiality which we ought to apply to the consideration of such measures. That is the reason why, Mr. President, in really self-governing

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countries, the party in power forecasts in advance, in the speech from the Throne, first-class measures of legislative importance which they propose to introduce in the ensuing session, and I challenge my hon. Friend, the Chief Minister, to say whether in the whole history of English parliamentary life, after which we are trying to pattern our own parliamentary institutions, there is any case of any single measure which is introduced just before the dissolution of the Parliament. The majority here introduces a measure of first-class legislative importance, and the notice which is given to the House seeks to ask the speaker thrice to suspend the Standing Order, thus smothering the rights of the minorities and forcing through legislation at breakneck speed. It seems to me that there can be no greater negation of democracy by which we swear at the hustings, but which we forget the moment we enter this House, assured of a majority and of the support from the Government, My hon. Friend the Minister may have read—I hope he read with profit—the speech of the Viceroy and Governor-General in welcoming the Central Legislature. His Excellency Lord Irwin expressed his keen regret that he was compelled to summon the members of the legislature in August, while the elections were impending in November, and said that his only reason was that some of them would have to suffer the inexorable fate of the ballot box and that he wanted to see them all before that event. I do not think there is any other reason except the one which Lord Irwin gave, and that does not apply to our being summoned here to consider a measure of first-class importance. Lord Goschen has seen all of us. My hon. Friend the Chief Minister in his usual way made a short speech. One thing which he manages to do is to make a series of categorical statements in a definite manner as if statements by themselves were arguments. He said its immediate introduction was absolutely necessary. He has not advanced one single argument to show that its immediate introduction is absolutely necessary. He should have added not only its introduction, but the immediate passing thereof into law. I should like the House to realize that by this motion we are now seeking to rush through not only the first reading of this Bill, but also the second reading, the Select Committee stage and the third reading and the passing into law, all of which the hon. the Minister wants to rush in this House within a few hours as he can manage it. Then, he went into the history of the reasons for this Bill and told this House with pontifical authority that there was corruption and mismanagement in many of the institutions. I challenge him to prove that statement (The hon. the Raja of Panagal: ‘Some institutions’.) I am sorry, Sir, I heard him say ‘many’. The official report will be handed over to us when we can verify it. However, I take his word. He added that such mismanagement and corruption was due to defective legislation. I want to join issue with him there and say that man never is and never will be made moral by legislation. If our institutions are not so well managed as they ought to be, the remedy is not in a salaried Central Board or in multiplying litigation and hanging the sword of Democles over trustees and heads of institutions but by educating the religious conscience of the people. Instead of doing that, my hon. Friend the Chief Minister with childlike faith in the efficacy of legislation in making men moral seeks to enact this measure. Legislation is no doubt easy so long as he can command votes. Let him repeat this Bill again and again, even fifty times, and so long as he does not take real public opinion with him, so long as he ignores even orthodox

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public opinion, I challenge him to say whether he will succeed by mere legislation. I hope he will profit by the experience of the world that social and religious legislation much in advance of the times, or not in consonance with prevalent public opinion, is bound to be a failure, and he who ignores history ignores it at his own peril. We were told that this Bill became law in January 1925. The suits referred to by my hon. Friend were instituted long ago. Why then this delay on his part to remove the doubts raised? He says this consciousness suddenly dawned upon him. I ask him, did it or did it not dawn on him after the Government was refused to be made a party to the suits by the High Court? Till then, Government thought that they could pay out of the taxpayers' money for this costly litigation. Where had all his present solicitude for the trust moneys then gone? Till then he perhaps thought that the poor taxpayer could be made to defend the suits on this Bill. But the moment the High Court took that view, suddenly my hon. Friend's conscience is aroused, and he says 'we shall not spend trust money on that litigation'. Why did he not bring this Bill earlier? Then, he added that the opposition to this Bill was a very small opposition. In that case, Sir, may I ask the hon. the Minister what is the extent of the opposition which he will consider valid before he consents to this adjournment motion? (The Raja of Panagal: 'A majority.') Because he is 'in a majority' he is there. If he is, in a minority, he would not be there. It is because we are in a minority we have to make this motion. If he and his party are in the minority he will have to ask for the adjournment. If he is in a minority, there will be the need for an adjournment and we will willingly grant it. (Laughter.) Therefore, let him realize this: while he has got the strength of a majority, he has got to consider that we are building up an infant legislature. So I appeal to him to consider that the majority are here to protect the minority in the enjoyment of our rights and privileges. I ask the European Members of this House whether they are really helping us by their being abettors to this act of merely using a majority to rush through legislation of this kind. The Local Self-Government Secretary—I gladly welcome his presence here—contributed his speech, and he said that this Bill had been on the Statute Book for a year and a half and that therefore there was nothing new about it. May I tell him that it is a human fact that all of us are not studying the law on the Statute Book all the time, and it is only when a Bill is sought to be placed on the Statute Book we begin to study it? The fact that the Bill was there for a year and a half does not raise any presumption whatever. It is not until we get notice that this Government intends to introduce a re-enacting Bill that we can be presumed to have studied that law. That argument is at best irrelevant.

"Then, Sir, my hon. Friend contrary to all precedent—I expected you, Sir, to call him to order; probably you did not follow him—commented upon the proceedings in the highest court of the land. He said the delay in the disposal of these suits was solely caused by the plaintiffs, a statement which I question. He said that commissions had been asked for to examine Lord Willingdon in Canada and Lord Reading in England, and why not? Are Lords Willingdon and Reading above the law? Why should they not be examined? Is the Chief Minister going to come here and say to the High Court, 'Thus far, and no further'. That is an aspect . . ."

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* The hon. the RAJA OF PANAGAL :—"I merely mentioned that the appointment of the commissions would mean heavy expenditure. I never said that Lord Willingdon and Lord Reading should not be examined by the commission. My complaint was that these appointment of commissions would cost lakhs of rupees. I understand a large number of suits are instituted and if every plaintiff in these suits should insist on a commission examining Lord Willingdon in Canada and Lord Reading in England the amount that may have to be spent upon this legislation would be enormous."

* Mr. S. SATYAMURTI :—"I appreciate the argument, especially as it comes after the judgment of the High Court declining to make the Government a party. But the point is this: the High Court is the highest judicial tribunal in this province, as we are the highest legislative authority in this Presidency. If we, humbler men, are trying to do anything in advance of High Court judgments, we shall be guilty of contempt of court. Are we to take undue advantage of the statutory protection given to us and tell the High Court and all possible litigants: 'We are in a majority and therefore whatever suits you may file in the High Court we will pass a law and say to the High Court, you shall not decide that matter'? I challenge my hon. Friend to give one instance in any self-governing country where anticipating the judgment of the highest tribunal in the land the legislature passed a law—anticipating their judgment and saying that whatever the judgment may be, it will not be binding on us. We know the instance of the famous Osborne judgment and the Trade Union legislation that followed upon it. There, the Government took the case to the highest court in the realm, and when they were defeated, then they brought legislation in order to remedy the defects. The obvious course for a Government which believes in the majesty of law and order by which we swear at all times, is to await the verdict of the High Court, if necessary even then to take it to the Privy Council, and then to bring up legislation to remedy what they consider an obvious defect."

"It seems to me that here the whole process is reversed. What is there to prevent to-morrow this very party bringing in a Bill that decrees against the members of it shall not be executed? The Civil Procedure Code will stand amended and they will say, 'we shall not allow decrees to be executed against the members of our party'. Is this the way you are going to educate the country to respect law and order? The High Court is there and the suits are pending there. Are we here to say: 'You shall not decide the matter, because we shall take it out of your hands'?"

"My hon. Friend says: 'The board is handicapped and contributions are withheld.' Well, it is either due to the fear that the law is not valid or due to unwillingness on the part of the trustees to co-operate with the Board. Whatever it is, you will not by re-enacting the Bill make things better. Does my hon. Friend think that because he rushes this Bill through, there will not be litigation again? He is very much mistaken if he thinks so. If there is litigation and if it goes on, how will it improve matters? Unless you pass a Bill saying that there can be no suits filed in the High Court relating to the Hindu Religious Endowments Bill . . ."

* The hon. the RAJA OF PANAGAL :—"I dare say it is necessary to amend the law so as to prevent waste of endowment funds on unnecessary litigation."

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* Mr. S. SATYAMURTI :—"I should not be surprised. This party is so full of the consciousness of its own powers that if they continue in power they will by and by interfere with the private life and private finance of not only trustees but of other people also. My hon. Friend has made it clear. His mentality and the mentality of his party seem to be that they are going to be so paternal in their administration of charitable endowments that they are going to tell the trustees 'if you spend money on litigation which we consider frivolous, you shall pay for it.'"

* The hon. the RAJA OF PANAGAL :—"Sir, I did not object to trustees spending endowment funds for necessary litigation. I objected to funds being wasted on unnecessary litigation. If the trustees are anxious to undertake such litigation let them spend from their own pockets."

* Mr. S. SATYAMURTI :—"My point is this : Trustees are interested in preventing inroads on the trust property or on their rights over that property. The idea that trustees cannot have vested rights will not commend itself to any lawyer. The trustees have vested rights as much as heads of religious maths have got vested rights. They do not have them in their personal capacity, but they have them in their public capacity. The whole point of my hon. Friend has been that he wanted to prevent the wastage of money on what he considers frivolous litigation. Are we going to be a party to a measure of this kind just in order to tell the trustees not to waste money on litigation? I say it is impossible. I say it is futile. You cannot by legislation prevent these things."

"Regarding my hon. Friend on the front opposition bench, I hope some means will be found by which the metaphorical crossing of the floor will be soon followed by the physical also."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"May I say at once that I have not crossed the floor and joined the other party? I am as much in the opposition as my Friend the hon. Member for the University."

* Mr. S. SATYAMURTI :—"But it is not the business of the Opposition to support any business of the Government."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"It is neither the business of the opposition to oppose everything." (Ministerialist cheers.)

* Mr. S. SATYAMURTI :—"I shall explain my point. When you are in the opposition you oppose bad measures because they are bad, and good measures because when you are in power you can introduce better measures."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"When I want to take lessons, I will go to him."

* Mr. S. SATYAMURTI :—"If the hon. Member knew he wanted lessons, he would have done so long ago."

"My hon. Friend repeated the same arguments of Mr. Cotterell that this is not the first attempt at legislation. I ask him not only as a matter of form, but in substance, whether a Bill is not a Bill. This is a Bill placed before the House and is not this House entitled to consider it on its merits? Are we bound by the acts of our predecessors, in which case it will mean that every time the Council passes a Bill the subsequent Councils have

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nothing to do with it whatever? I consider and claim that this is a new Bill and a fresh Bill and, as such, we have a right to have all the privileges of this House when a new Bill is introduced and to consider it on its merits at every stage.

"My hon. Friend asked us not to be concerned with the defects of the Bill. Then what are we here for? Are we merely to enact a Bill which is placed on the table of the House without looking into the defects or otherwise of it? That is not my conception, Mr. President, of the duties and privileges of the members of this House.

"I should like, Sir, to just advance one or two arguments why nothing will be lost by agreeing to the adjournment of this business. Whatever people may say, the Act is in force. The Act is on the Statute Book. By putting this Bill off for three months, you lose nothing. On the other hand, you gain this thing: We place this Bill before the electorate. Why should the hon. the Chief Minister be afraid of facing the electorate? Why should it happen that again and again, he should introduce the Bill just before a general election? It was introduced in March or April of 1923 and again, it is introduced this time in August. Why this fatal fascination for the fag-end of a Council? Why not wait till November? What will happen? I am told the heavens will fall. The heavens will never fall. Even assuming that something serious will happen, is it expected to be so serious that three months' adjournment will fatally affect the Bill? I am yet to hear any such argument. What is going to happen in these three months if this is adjourned? The High Court proceedings can wait and will wait. Sir Kumaraswami Sastri the other day adjourned a suit, pending this legislation. So, if by a resolution of this House this Bill is adjourned for three months, nothing will happen. The Board will function. The Act is in force and to the extent to which you can exercise your powers you are exercising it. On the other hand, we shall be able to educate the electorate on the merits or otherwise of this Bill and come back to this House with a clear mandate one way or the other. And, moreover, the Government are interested in this matter. If they are serious, why not postpone the elections till December or January and give some more time to consider this Bill? If you think that we ought to face the electorate, put off the elections and let this Bill be considered after we have got the clear opinion of the people whom we represent or are supposed to represent here. Moreover, Sir, although this is not the stage, I want you to realize that your exceptional powers to suspend the Standing Orders will have to be exercised thrice before the hon. the Raja of Panagal can get this Bill through this sitting. Is that going to be done?"

* The hon. the PRESIDENT:—"We shall consider that later, not now." (Laughter.)

* Mr. S. SATYAMURTI:—"I apologise. I did not mean to forecast your judgment. What I wanted to know was, is it going to be asked that you should suspend the Standing Orders thrice at the fag-end of the Council in order to rush through a measure of this kind?"

"When we come to the preamble, Sir, we are told that

'Whereas diverse doubts have been raised . . . it is expedient to remove those doubts . . . Therefore, . . .'

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"What follows? When we pass a Bill, if some people file suits against us in the High Court, we are then be called upon to re-enact a Bill. Is that the position to which you want to reduce this Council? I submit it is a position of contempt. Because, litigation would go on although this House solemnly sits and says we have re-enacted this Bill. It would have been far better if the hon. Minister had consulted his legal advisers and said that this Act is invalid and therefore we ought to re-enact it. I can understand it, but on the other hand, from the vigour with which they are fighting the suits, I see they think that it is perfectly valid. Why then this legislation now, except for the reason that there are suits pending in the High Court? Then what is the precedent you are establishing? You are establishing a precedent that the moment there are suits against any legislative measure of this House, you ought to ask this House to solemnly re-enact that Bill. It seems to me that for these reasons nothing will be lost by agreeing to this motion for adjournment of this business to the next Council, but a great deal will be gained which will be in consonance with public opinion. It will enable all sections of this House to bring an unbiassed and well educated mind on this subject and to enact a measure, if need be, which will really carry out the objects which the hon. the Raja of Panagal and those who are in his confidence say they have. I have great pleasure in supporting this motion and I appeal especially to the non-Hindu Members of this House to realize our position and to imagine what their feelings would be if Christian and Muhammadan endowments are sought to be affected in this manner and at least to remain neutral, if they cannot vote with us."

* The hon. the RAJA OF PANAGAL :—"Mr. President, I have indeed little to reply because those who opposed the motion have not denied the two main facts upon which my case rests. One of them is that the administration of the Board is handicapped and the other is that in name of litigation which I maintain to be one of mere academic interest large sums of money are being spent by the trustees from out of trust funds. These are the two things which I thought it was my duty as the Minister in charge of religious endowments to prevent. Some of the hon. Members questioned as to why I should rush with this legislation at this stage of the Council. My reason is that the Government are advised that a Bill of the kind should be immediately introduced to remove all doubts regarding the validity of the Act I of 1923 and that if the Act be not re-enacted the litigation questioning the validity of the Act will continue to the great detriment of the trusts."

* Mr. S. SATYAMURTI :—"By whom?"

* The hon. the RAJA OF PANAGAL :—"By the advisers of Government (Laughter)."

"Then, Sir, some hon. Members opposite took me to task for not introducing this Bill earlier. I could only introduce a Bill when its validity is questioned. These suits were instituted, it is true, a few months back. But there are steps to be taken before a Bill can actually be introduced in the Council. Time is required for taking these steps. That accounts for the delay. One of the Members stated that I had not the mandate of the electorate to take up this legislation. In reply to this all that I can say is that I had no mandate to the contrary either. I have to use my discretion. Either the Bill is desirable or not; if it is desirable it ought to be

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introduced and if it is not I take the risk. We have the general elections staring us in the face. If I am the author of a Bill which is considered to be undesirable I will not get support in the coming elections. (Hear, hear). It is more my concern not to introduce an undesirable measure. I cannot understand why the opposition should show so much concern at my taking the risk by introducing the Bill at the fag-end of the Council's life.

"Then, it is argued that the Members have not been given sufficient time to consider the various clauses of the Bill. In fact, as has been pointed out by the Hon'ble Mr. Cotterell except in two or three minor matters the clauses of the Bill are identical with the sections of Act 1 of 1925 which was passed after a great deal of consideration, consideration *ad nauseum*. Under the circumstances I do not see any reason why I should accept the motion that has been moved by my hon. friend from Cuddapah."

The motion for adjournment was put and declared lost.

A poll was taken and the House divided as follows:—

Ayes.

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| 1. Mr. K. Prabhakaran Tampam. | 16. Mr. P. Anjaneyulu. |
| 2. " D. Manjappa Heggade. | 17. " Mubammad Meera Sahib. |
| 3. " V. Madhava Raja. | 18. " V. Pantulu Ayyar. |
| 4. " B. Ohalesappa. | 19. S. R. Y. Anknedu Prasad Bahadur. |
| 5. Rao Bahadur C. V. S. Narasimha Razu. | 20. Mr. Chavadi K. Subrahmanya Pillai. |
| 6. Mr. J. A. Saldanha. | 21. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 7. Sriman Biswanath Das Mahasayo. | 22. Rai Bahadur T. M. Narasimhaachari. |
| 8. Mr. A. Chidambaram Nadar. | 23. Sriman Sasibhushan Rath Mahasayo. |
| 9. " M. Gangarazu. | 24. Mr. Sami Venkatachalam Chetti. |
| 10. " C. Gopala Menon. | 25. " K. Srinivasa Ayyangar. |
| 11. " S. Muttayya Mudaliyar. | 26. " L. K. Eulasiram. |
| 12. " P. Peddiraju. | 27. " K. Uppi Sahib. |
| 13. " M. Sitayya. | 28. " C. V. Venkataramana Ayyangar. |
| 14. " B. Venkatapathi Raja. | 29. " J. Naganna Hegde. |
| 15. " S. Satyamurti. | 30. " C. Venkatarangam Nayudu. |

Noes.

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| 1. The hon. Mr. N. E. Marjoribanks. | 26. Rao Sahib P. V. Gopalan. |
| 2. " Mr. T. E. Moir. | 27. Mr. J. Kuppuswami. |
| 3. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 28. " R. Madanagopal Nayudu. |
| 4. " Mr. A. Y. G. Campbell. | 29. " T. Mallesappa. |
| 5. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 30. " P. N. Marthandam Pillai. |
| 6. " Rao Bahadur Sir A. P. Patro. | 31. Rao Bahadur B. Muniswami Nayudu. |
| 7. " the Raja of Panagal. | 32. Mr. M. Murgappa Chettiyar. |
| 8. Mr. T. R. Venkatarama Sastriyar. | 33. " C. Muttayya Mudaliyar. |
| 9. Rao Bahadur V. T. Krishnama Achariyar. | 34. " K. S. Ponnuswami Pillai. |
| 10. Mr G. T. Boag. | 35. " G. Premayya. |
| 11. " V. Pandrang Row. | 36. " P. Sugaram. |
| 12. " C. B. Cotterell. | 37. Diwan Bahadur M. Krishnan Nayar. |
| 13. Diwan Bahadur Sir T. Sadasiva Ayyar. | 38. " P. Kesava Pillai. |
| 14. Mr. P. Venkataramana Rao Nayudu. | 39. Rao Bahadur T. A. Ramalinga Chettiyar. |
| 15. Khan Bahadur Abdulla Ghatala Sahib Bahadur. | 40. Dr. P. Subbarayan. |
| 16. Mr. S. Arpudawami Udayar. | 41. Mr. P. T. Rajan. |
| 17. " A. E. Rencontre. | 42. Rao Bahadur P. Raman. |
| 18. " J. A. Davis. | 43. Mr. J. D. Samuel. |
| 19. " B. Ari Gowder. | 44. " K. Sarvarayudu. |
| 20. Rai Bahadur Sir K. Venkatreddi Nayudu. | 45. Rao Sahib R. Srinivasan. |
| 21. Rao Bahadur C. Natesa Mudaliyar. | 46. Mr. K. Sitarama Reddi. |
| 22. Mr. A. V. Bhatnoji Rao. | 47. " R. Veerian. |
| 23. Rao Sahib S. Ellappa Chettiyar. | 48. " K. Venkatachala Padayachi. |
| 24. Mr. A. Ramaswami Mudaliyar. | 49. Rao Bahadur P. K. A. Ct. Virappa Chettiyar. |
| 25. Diwan Bahadur P. C. Ethirajulu Nayudu. | 50. Mr. Haji Abdulla Sahib. |
| | 51. " T. M. Moidu Sahib. |
| | 52. " Quadir Muhideen Sahib. |

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Neutral.

1. Mr. Chambers, G. W.
2. Sir Alexander MacDougall.

3. Mr. A. Ranganatha Madaliyar.

Ayes 30. Noes 52. Neutral 3.

The motion was lost.

The Council then adjourned for lunch at 1-30 p.m.

After Lunch (2-30 p.m.)

* Mr. J. A. SALDANHA :—“ Mr. President, Sir, the main reason given for the introduction of this Bill is to remove all doubts that might exist as to the validity of the old Act, certain actions taken under it and certain things done in pursuance of it. The best way to remove all doubts which the hon. Minister has characterized as frivolous doubts is not this. The hon. Minister’s characterizing the litigation as frivolous might amount to a contempt of court if the word was used outside this House.”

* The hon. the PRESIDENT :—“ The courts have nothing to do with that.”

* The hon. the RAJA OF PANAGAL :—“ My hon. Friend from South Kanara has misunderstood me altogether. I never intended any contempt to the High Court. The courts are there and there are cases on their files. Does it not happen that some of the cases that go before courts are frivolous; it is an admitted fact that there are such cases filed in courts.”

* Mr. J. A. SALDANHA :—“ To say that any litigation is frivolous and to give that as a reason for this is not at all the proper way of doing things; but I am not going to lay stress on that point. On the other hand, the best way to put an end to this costly litigation would be for the hon. Minister and for the Government to abolish the Board which is the cause of all this trouble. The whole machinery of this Board and the costly paraphernalia must be put an end to. We must wait until the elections are over and then a new Bill must be introduced after very careful consideration. At this stage the provisions of the Bill are entirely new to me and to so many of us. We have not gone through the whole thing on its merits. We have hardly had the time to consider the fundamental principles underlying the Bill. After going cursorily through the various provisions of the Bill, I put the question to myself as to what would be my attitude as a Catholic Christian if such a measure was brought forward in relation to our religious endowments. (Mr. S. Satyamurti: ‘Hear, hear’). No one who has read the history of the struggles between the Church and the State from the ancient times and also what takes place in Mexico and other places in modern times will fail to see how we, Christians especially Catholic Christians, have contended with all our might against the interference of the State with the religious endowments. There have been men who died as martyrs for the cause. The struggle was intense in the middle ages and much blood was shed during the period of the Reformation. The principle for which we stand is that the Church should be autonomous in the administration of the religious endowments and should not be interfered with by the Civil power. But here the

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Board is created by the Government and the President is appointed by the Government or by the Governor with the advice of the Ministers. They are salaried servants of the Government and herein lies the fundamental defect of the Bill. So far as religious endowments are concerned there is a very simple provision for checking maladministration. There is no costly litigation. The Religious and Charitable Trusts Act XIV of 1920 provides an effectual machinery for checking maladministration of religious endowments. This Act is not very much known and I have not heard of any applications under the Act. It is not a costly process and probably because of that, pleaders have not resorted to that. The process consists in simply putting an application on a stamp paper of 12 annas before the District Court and to ask the Court to call upon the trustees of a temple or even of a math to give a detailed statement of the trust property and place the accounts of the trust before it. If on examination it is found that a prima facie case of mismanagement has been made out, the Court is empowered to order an audit at the expense of the institution or endowment. The Court then would suggest a scheme for the management of the temple or the endowment, and if the scheme is not adopted within a certain period a suit would be allowed to be filed at the expense of the institution itself. Under the circumstances, I am sure that most of the trustees will be very unwilling to run the gauntlet of such a process and would set right matters immediately they come to know that an application has been filed or is going to be filed in the Court regarding the endowments under their charge. They would finally accept the scheme proposed by the District Judge and mend their ways. With this provision we can check all mismanagements, however big the institution may be and however large the endowments. So far as the Muhammadans are concerned we have got an Act providing for the better management of the Wakf properties."

* The hon. the PRESIDENT:—"May I remind the hon. Member that we are dealing with the Hindu Religious Endowments Bill?"

* Mr. J. A. SALDANHA:—"I am just coming to that, Sir. I am only saying that we have got ample provisions in the existing Wakfs Act to meet the needs of the situation; whereas we are having before us a most complex Act which will lead to costly litigation and much more mismanagement so far as Hindu endowments are concerned. This is a very unworkable piece of legislation—the Hindu Religious Endowments Bill. A more simple and workable Bill has been brought forward by Sir H. S. Gour in the Legislative Assembly on the lines of the Wakf Act. I do not know what has become of it. Of course there are abuses in a large number of endowments, even in some Christian endowments. But we have got a machinery, especially among the Roman Catholics to check such abuses. We have got the Canon laws, the Bishops and the Holy See to interfere in case of mismanagement or wrongful alienation. We have got a thorough organization to meet the needs of the situation arising out of mismanagement of any of our endowments."

"I think the Hindus must have an organization which is to be worked according to the principle of the Dharma Shastras. The State, if it finds that there is no proper organization, must make use of the high principles laid down in the Dharma Shastras for establishing an organisation which must be autonomous. What I say is that the State should help our Hindu

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brethren in establishing an autonomous organization, a kind of self-government or what I would call swaraj among the Hindus themselves for managing their endowments. This can be done very easily, I think. If we require a central body for advice, and for giving directions let it be a body elected by the electors."

* The hon. the PRESIDENT :—"Order, order. I am afraid the hon Member is outlining the elements of a new Bill. May I ask him to confine himself to the Bill before the House?"

* Mr. J. A. SALDANHA :—"I am outlining a new Bill, for by outlining a new Bill, I am pointing out that this Bill is wrong altogether. This Bill ought not to be passed by this House. There should be another Bill. The skeleton might remain, but I would change the flesh and blood and the spirit of it entirely. If I had time for it, but there is very little time for it, I am afraid, I would prepare a Bill more or less keeping the wording of the present Bill but change it in flesh and blood and animate it with a higher spirit that must keep the organization on an autonomous basis for looking after great Hindu religion. Neither this Legislative body nor the Ministers should have anything to do with the details of the administration of temple properties and endowments, except in enabling the Hindu religious bodies to look after their institutions, give them a legal or a statutory sanction and to establish them on an elective basis. You cannot go and interfere with them as the Mexican Government does with the religious endowments of Catholics in their country.

"This Bill, I consider, is of a confiscatory character which interferes with the endowments of a religion to which all of us do not belong. But, I speak for a general principle. My opposition to the Bill is based on a cardinal constitutional principle. I speak for a principle for which our Church has fought for nearly twenty centuries. What applies to us, Sir, I think, should apply to the Hindus, to the great body or bodies of the Hindus in this country. Surely, the Hindu religion must contain fundamental principles for the administration of their religious endowments. There are principles, which, if I had time, I would quote word for word from the Dharma Shastras. We should find an autonomous body, a swaraj, from the Hindus themselves."

* The hon. the RAJA OF PANAGAL :—"I should like to know what my hon. friend is going to quote from."

* Mr. J. A. SALDANHA :—"I can quote from the Dharma Shastras themselves. Unfortunately our library contains only English books. You want to carry the Bill in a hurry. I know there are authorities and can find them. It is only ignorance on the part of our Chief Minister of his own religious laws that has made him bring a Bill of this character, which is interfering with the religious autonomy of his own religion. My principle is this, Sir; no autocracy of the civil power but autonomy of the religious organization to which they belong. That is the formula on which this Bill must be amended.

"There has been no time to go through the sections of this Bill. I, therefore, say that with the ample power in the Civil Procedure Code and

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in Act XIV of 1920, if this Council is called upon to establish an organization to look after the Hindu religious endowments, it should be of an autonomous character, and not of this autocratic character. That is my formula. I think the House will see that the principle underlying this Bill is of a character which this House cannot and ought not to sanction. With all respect we ought to have for our religion and that of every one, I think we should condemn this Bill. If no Muhammadan or Christian could stand the principle of this Bill, how can a Hindu?

"My suspicion is that if you can pass the Hindu Religious Endowments Bill to-day, there will come a time when you will bring a Bill for the Christian endowments. (A voice: 'Hear, hear.') That is the way the State has been interfering in France, in Italy and elsewhere with religious endowments. That is the way the State interferes in Mexico with religious autonomy, and our Catholics are fighting there against such interference. If I stand against this Bill, I am sure therefore it is on a fundamental principle of independence of religion, and I hope I shall not be misunderstood by my co-religionists. Because I am a Christian, I have not ceased to be an Indian. What I respect in my own religion, I respect in principle in other religions. I hope I stand for the principle, and the principle for which I stand will be accepted by this hon. House."

* Mr. S. ARPUDASWAMI UDAYAR :—"Mr. President, it was not my intention to take part in this debate. But a few remarks that have fallen from the hon. Member from South Kanara make it necessary that I should say a few words on this subject.

"The hon. Member said that in the Christian church, in the Roman Catholic church, there is a perfect organization, that the canon law is the customary law, the law recognized and enforced by the church, that the bishop is the custodian and administrator of all ecclesiastical property and answerable to the sovereign pontiff as to the way in which the income and the revenue of that property is utilized. In other words, as he himself admits, there is an organization, and because there is an organization, there is no justification whatever for Government interference in regard to Christian endowments. The Government are pledged to observe neutrality. They are not obliged to interfere in religious matters, they never do, nor will they ever do, nor can they be said to interfere in religious matters here, because they co-operate with the majority in this Council in passing a measure of this nature. My friend, the hon. Member from the University, himself admitted, in a speech which he made on a former occasion in regard to this very Hindu Religious Endowments Bill, that he was in favour of a Hindu Endowments Bill, but not in favour of this present Bill. There is a demand therefore for legislation. So here the question arises of the lack of organization or of the lack of authority in a certain body, authority, perhaps, latent but not operative. Hence, there are misunderstandings and large sections of the Hindus, who see that the trust property and endowments are not properly managed or devoted to the ends and purposes for which they were intended, want a legislation. They may not agree with all the points in this particular legislation but they are in favour of legislation. Therefore, Government merely co-operate with this large body and consent to a measure introduced by it, in order to see that funds, which have been set

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apart for religious purposes, are properly managed and are used for the purposes for which they were originally intended. This interference is with trustees and purely financial. This does not mean that Government may bring any measure affecting Indian Christian endowments. In that case, it will be interfering directly in religious matters. There is no authority for Government to do that. They know very well that there is an efficient organization existing in the church, that the church authorities are sufficiently vigilant, and the moment the property is badly handled or mismanaged, those church authorities are promptly dealt with, are liable to the most severe ecclesiastical censures such as excommunication and other severe measures. Should this Council or Government bring any legislation of that nature which should interfere with religion, certainly there will be occasion for not only my hon. Friend from South Kanara but for every member professing Christian religion in this Council to stoutly oppose that measure, and even go to the length of sacrificing, as my hon. Friend said, his life for it. But no such case arises, nor can ever arise, and therefore, I think, my hon. Friend is labouring under an illusion."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"This House must, indeed, be grateful to the hon. Member from South Kanara for his having placed before this House clearly some of the issues underlying this Bill. If any one in this House had any doubts about some of the features of this Bill, those doubts must have been dispelled after hearing the remarks of the hon. Member Mr. S. Arpudaswami Udayar. He has told us that because in the Christian church there is a well-recognized and well-organized institution, and because the Government are pledged to a policy of strict neutrality, any attempt made by the Government or this House to legislate so as to interfere with any of the institutions would be stoutly opposed and persons will be even prepared to shed their blood.

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"Sir, may I point out that if this aspect of the question affecting the feelings and sentiments of a large number of persons professing the Hindu religion had been kept in view and if persons of other religions had kept themselves neutral, it would have been much fairer. It may be that so far as the Government are concerned, apart from the religion which the several Members of the Government profess, there are conventions requiring them to vote in a particular manner. Regarding others, I think that it would have been much fairer if this question had been left for consideration by the Hindu Members themselves. Other hon. Members are perfectly entitled to vote; it is not a question of their right to vote. I cannot congratulate the hon. Minister upon the attitude which he has adopted in dealing with this Bill at the end of the sitting. What do the figures of voting indicate? They are 30 against 52.

"I understand that so far as the elected Hindu Members are concerned, 26 hon. Members voted for the motion and 24 against it. I mention it to show that though the vote of this House was in favour of the action of the Government—even the hon. the Minister thought that sufficient consideration should be shown to the feelings of hon. Members who are in a minority but who are a respectable minority representing as they do a large portion of the elected Members of the Hindu religion—he should have considered it twice before he thought it fit to proceed with this Bill through all its stages

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at this session of this House. Since he has chosen to adopt the other course of rushing this Bill, I felt that I should have no hesitation in opposing the introduction of this Bill, whatever might have been my views on a former occasion. When the Bill was introduced in December 1922, as I am reminded by the hon. Member from Chingleput, I began by saying that I rise to support the introduction of the Bill and the main provisions which it embodied. No one in this House would advocate that there was no scope for the reformation of these institutions; nobody would state that there are no evils to be remedied. But the question for consideration will be 'What is the act which would really solve the problems involved, in a satisfactory manner?' We have been told just now by our hon. Friend Mr. Arputhswami Udayar that where institutions were well managed and conducted, there ought to be no interference so far as these institutions were concerned. Temples, maths and other institutions coming within the scope of this Bill are so many in number and there has been no enquiry in any regular organized manner with regard to the history of each one of these institutions. They say that all these institutions are ill-managed; let us clutch jurisdiction for dealing with the institutions. As was done when similar Bills were passed in England, if enquiries had been made regarding the history of the various institutions and if it was found that there was a clear case of mismanagement to remedy which some legislation was necessary, and steps were taken to that end, it would have been a different thing altogether. Without a regular enquiry to find out what institutions are well managed and what institutions are not, and whether interference is necessary or not, to have a legislation like the one suggested so as to give jurisdiction to various bodies to deal with all of them in this manner is, I think, not a proper step to be taken. If, notwithstanding the fact that I feel that there are some provisions in this Bill which require consideration and that this Bill should be proceeded with through its different stages, I have decided that I should oppose the introduction of this Bill, it is because of the long history of this Bill from the stage when it was first introduced. It will be within the recollection of the House that the Select Committee introduced several radical changes which were not in the original Bill. The provisions relating to the Board of Commissioners were introduced by the Select Committee. So far as maths were concerned, provisions were introduced at that stage. I do not wish at this stage to go in detail to the various provisions. Suffice it to point out that after the Bill was introduced, various amendments were made by the Select Committee and the hon. Minister, with the majority in this House of which he is proud, was able to carry these and other amendments introduced at the later stages of the Bill. Subsequently, we find that there was a discussion which took place in this House when a message was received from the Governor and when there was a further opportunity of discussing further amendments, and the Bill was passed into law. It is in view of these various circumstances which took place since then that I thought it was better to review the position I took up on a former occasion.

"Another point for consideration is this. The Board of Commissioners have been doing work for the last one year and when there is an opportunity for us to consider whether the Bill has worked satisfactorily or not, is it not reasonable for us to ask whether any account of the work done by the

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Commissioners has been placed before the House for consideration? Are we in a position to find out what work they have been doing and what difficulties and obstacles they have encountered? We have nothing of that sort. It is true that the President of the Board of Commissioners has been appointed as an expert Member. It may be that in course of time we will have his valuable advice during the further stages of this Bill. But we are entitled to ask for the account of the work done by the Board of Commissioners during this period and to ponder over it before we are asked to give our assent to the provisions of this Bill. If it had been possible for us to have before us the reports not merely of the Board of Commissioners but also of the other subordinate hierarchy of officials, Inspectors and others who have been going from village to village, from place to place and inspecting some of these institutions, we will be in a position to obtain information regarding them, and our views regarding the provisions of this Bill might be entirely different. We have not got the benefit of that. Even in the Statement of Objects and Reasons there is no information whether the Commissioners encountered any difficulties. There was no reference to that fact even in the speech of the hon. Mover. Now, to say that we should re-enact the provisions communicated by the Government of India without a knowledge how the Act has been working and what has been done during the interim period is, I think, very unreasonable.

"Having stated so far regarding some general aspects of this Bill, may I ask whether it is fair that we should not have additional time to consider the provisions and to find out whether it is possible to come to a satisfactory understanding regarding those questions; or, are we going to be taking votes and divisions, we know with what result? Even now it is not too late, if the hon. Minister is really satisfied that there is wide difference of opinion regarding the main principles of this Bill, to see if he cannot further wait and take the opinion of the country during the next few months. The hon. the Minister in introducing this Bill referred to the history of this measure and referred to the various committees appointed during the previous four or five decades; he finally referred to the latest committee, of which the hon. the Raja of Ramnad was Chairman, as a result of whose deliberations this Bill was introduced. I may point out to this House that the Chairman of that committee whose deliberations were responsible for the introduction of this Bill made observations on the motion in this House on 2nd April 1924 that the consideration of the message of His Excellency the Governor do stand adjourned to a date in March 1925. While supporting that motion, he made these remarks which I would read to this House so that it would at least be clear as to the impression created in the country even after the Bill was passed into law subject to further steps being taken—

'In the case of *matadhiyathis*, as against three courts to which they were subjected, they are now going to be subjected to four courts, the Board, the court of first instance, the High Court and the Privy Council. Is that an advantage, I ask? Then, again, Sir, the hon. the Raja of Panagal was claiming for his Bill that it would prevent costly litigation. Does he still say that because the matter is not going to rest with three courts, now, but with four courts, it is going to prevent costly litigation?

'I personally think, Sir, that the Bill contains very many good provisions and that those provisions must be passed into law and come into force very soon. I have personal experience of the working of several devasthanams, being myself a member of the committees of more than one devasthanam and a hereditary trustee of a large number of devasthanams. I have stated my conclusions very clearly in the earlier stages of the Bill.'

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"One who entertained such views and who was the Chairman of the committee whose labours led to the introduction of this Bill has put it so. He then goes on to state as follows :

"But somehow there is the fact that public opinion is unanimous that this Bill is not to their advantage; there is no denying that fact. It may be that the vested interests are rebellious, or it may be that people are ignorant of the provisions of the Bill, or it may even be that they really apprehend some danger which the Bill does not provide for. Probably some of my Brahman friends think, Sir, that it will spell their extinction, or it may be that some of the orthodox Brahmans fear that they may be made non-Brahmans. Whatever may be the merits or the demerits of the Bill, there is no denying the fact that it has evoked a universal opposition from all quarters. Are we to pass a Bill which has such unanimous opposition? That is my point."

"The hon. Member himself has been managing several devasthanams and has had better experience of them. He thought that some remedial measures were necessary and he acted as the Chairman of the committee which led to the introduction of this Bill. He expressed that there was universal opposition to it. Now, I ask Sir, if there is such a feeling, is it not a case in which the hon. Minister should certainly wait, collect public opinion on the eve of the next elections and fortify himself by the decision of the people before he rushes to legislation which cannot be denied to have opposition from various quarters? This is a matter affecting the religious sentiments of the people and there is difference of opinion. The minority have expressed themselves against it and without making attempts such as are necessary for the purpose of allaying the rumour in this respect, I think it is not reasonable for the hon. Minister to take the present step."

"Having stated generally my objections to the Bill, I wish to refer to three or four portions of this Bill. In the first place, I would point out that there ought to be no difficulty in excluding matams from the operation of this Bill. The hon. Mover referred to Sir T. Muttuswami Ayyar's Bill in the course of his remarks. May I point out that that committee while sending up its report"

* The hon. the RAJA of PANAGAL :—"May I know if the hon. Member is referring to Sir T. Muttuswami Ayyar's first or second Bill?"

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I am referring to his Bill of 1893. The report says :

"One way in which we have endeavoured to limit the scope and application of the proposed Act is by placing matams outside the field of its operations. It may be stated here that matams were to a greater or less extent brought under control by the Bills of 1878 and 1886. The considerations that weighed with us in proposing the exclusion of matams from the operation of the Act are—

(1) That matams are institutions primarily and specially designed for imparting spiritual instruction, not places of public worship in their essential character.

(2) That Regulation VII of 1817 was not applied to them, nor was Act XX of 1863.

"Disciples who receive spiritual instruction are the persons directly interested in the welfare of these matams. Such disciples constitute bodies of different sects, and to them belongs the right, as far as such right exists, of securing a proper administration of the funds of the matam. The extent to which a matadhipati can be held to hold in trust the funds of the matam and his amenability to render an account of his stewardship of such funds are points involved in doubt and difficulty. Though the committee is far from being convinced that the manner in which matam funds are administered is such as to render check and supervision unnecessary, it is still strongly of opinion that the wisest policy is to leave each sect to take care of its own matams. It seems undesirable to subject matams to the control and scrutiny of committees of a general character, with no special sectarian leanings and no motive to pay the heads of matams that deference which their position of high priests makes them feel they are entitled to."

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"He gave also other reasons.

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"That is the first point to which I wish to draw the attention of this House. I think that if they (maths) are taken from the scope of this Bill, it will remove a volume of opposition to this Bill which has been generally evoked in this country when this Bill was taken up. Another provision to which I wish to make a reference is the provision relating to finance, rather a taxation clause in this Bill.

Clause 69.—(1) Every math and temple shall pay annually for meeting the expenses of the Board such contribution not exceeding one and a half per centum of its income as the Board may determine. (2) Every temple other than an excepted temple shall pay annually for meeting the expenses of the committee such contribution not exceeding one and a half per centum of its income as the committee may with the approval of the Board determine. (3) Religious endowments the administration of which is governed by a scheme settled under section 92 of the Civil Procedure Code, 1908, shall, notwithstanding anything to the contrary contained in such scheme, be liable to pay the contribution under this section.

"It will be remembered that, so far as this provision is concerned, it does not apply only to cases of maths which are not managed properly, it does not apply to cases of maths or temples which on enquiry have been found to neglect their duties; but it applies to all maths and temples, even those which have not got adequate means to properly look after the work entrusted to them, and to those which have been administering their affairs properly without any objection and without any sort of complaint whatever. Such a taxation measure is, I submit, Sir, one of the gravest objections to this Bill. If the Government are so solicitous as to take a keen interest in the management of all these institutions or that they should be managed properly, whether they are working properly or not properly, it might be well for them to consider whether they have sufficient funds or otherwise.

"The taxation of even an institution which has not got sufficient funds to manage its affairs properly is, I think, one of the most objectionable portions of the Bill. I cannot understand the reasons for the provision. It is because they wanted to pass the Bill the Government thought it necessary to have a costly machinery for running the administration of such endowments. That is the real reason for this taxation. The temple committees are doing their respective work in the districts. There is the Board of Commissioners created under the Bill. They have got to make provision for expenditure on that account. For the purpose of defraying the expenses of this costly machinery, this Bill is introduced in the teeth of strong opposition. It was noticed even by the Select Committee at a late stage that it was necessary to introduce provision for taxing these institutions, irrespective of their nature or character, irrespective of the service they render irrespective of the question whether they manage their affairs well or not. This taxation clause is therefore inserted in this Bill in order to introduce a costly machinery for the purpose of managing these affairs and to justify the measures the Government have taken. There are some other objections also. But I do not wish to enter into details as there are further amendments to be considered.

"I wish now to make a reference to another clause of the Bill and that is clause 67. This is how the clause stands:

Application of Endowment Funds.—The Board may, after holding an enquiry in such manner as may be prescribed, by order, declare that the purpose of a religious endowment has from the beginning been, or has subsequently become, impossible of realization or that the

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machinery for effectuating the original purposes of the endowment has failed or no longer exists, or that after satisfying adequately the purposes of the endowment and after setting apart a sufficient sum for the repair and renovation of the buildings connected with the math or temple or the endowments attached thereto there is a surplus which is not required for such purposes; and may, by such order, direct that the amount of the endowment or such surplus as is declared to be available, as the case may be, be appropriated to religious, educational or charitable purposes not inconsistent with the objects of such math or temple.

"Later on, there is provision for modification of the order and for the trustee having to file a suit in a court to set aside or modify such an order. While considering this question, Sir, it is necessary to bear in mind the principles which were applied in dealing with similar matters in other countries where such questions crop up. We find that wherever it is found necessary to make provision for diversion of funds in this manner, it was found desirable to obtain the consent of the persons whom these institutions affect or to give a specific reference in the provision itself to the needs of the locality. I find, Sir, that as early as 1840, when the Court of Directors had to consider this question, they expressed themselves as follows:

'We are of opinion that all grants and endowments should be, in the first instance, appropriated if possible to their original purposes; when the funds are more than adequate to that end, instead of allowing them to accumulate without limit, they should be applied to purposes of general utility, taking care that the particular district in which the endowments are situated should derive full benefit from the new appropriation of the surplus.'

"I am placing before this House for consideration the principles which were applied in passing similar measures in other places and on other occasions, but here is a general provision given solely for a specific purpose. That is a different matter altogether. If you take into account the provisions of the Endowed Schools Act of 1869, we find a provision corresponding to this. It is to this effect:

'By section 30, the charity commissioners are empowered with the consent of the governing body by scheme to devote to educational purposes endowments for any of the following purposes, viz., dotes in money or kind; marriage portions; redemption of prisoners and captives; relief of poor prisoners for debt; loans; apprenticeship fees; advancement in life; or any purposes which have failed altogether, or have become insignificant in comparison with the magnitude of the endowment, if originally given to charitable uses, or before the year 1800.'

"I will ask the House to remember the words 'with the consent of the governing body' which are contained in section 30. But the provisions of this Bill are generally vague, indefinite and have even given them discretion without any specific restriction as to the mode in which this amount is to be diverted and without any specific direction on that behalf. The Board is given the power to modify and to institute a suit for the purpose of setting aside that order. The Court may very well say, 'Discretion is vested in the Commissioners and therefore we do not know what view the Court may take.' I think that, so far as this clause is concerned, this is also one of the objectionable portions of this Bill.

"These are some of the main objections that I wished at this stage to make. There will be occasion for placing before this House some more objections. There are many such grave objections to this Bill and I would ask this House to consider whether it is desirable to allow the introduction of this Bill at this stage when we are going to close our labours of this Council and when we are on the eve of the next elections. If the House is satisfied that there are various clauses which deserve a very careful consideration, I would ask it to pause before rushing it through and to give a next chance for the introduction of this Bill."

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* Mr. A. RAMASWAMI MUDALIYAR :—" Mr. President, so much has been said in regard to the introduction of this Bill and so many hon. Members spoke on either side and for such a long time, that I think I should crave your indulgence if I were to take a little more than the usual time allotted, on a matter of this kind. The hon. Member, Mr. Saldanha, was one of those who rushed in where many of us, who believe to be devout Hindus and knew a little of Dharma Shastras and have tried to understand something of our own religions, hardly ventured to tread. I do not wish to quarrel with him, because that is the usual temperament which he displays in this House.

"Let us now turn to the political issues that were raised by my hon. Friend representing the University. My hon. Friend said that a political programme is first issued in the King's speech detailing the subjects that were going to be taken up for discussion during the next session of the Parliament. My hon. Friend completely forgets that by no stretch of imagination could it have been possible for the hon. the Chief Minister to have known at the stage when this Council first began its sittings that there was a possibility of doubts being raised on the validity of this measure. It was not an Act; it was passed by the Council, but did not receive the assent of the Governor, and was not sent to the Governor-General. My hon. Friend knows little of the history of this measure and I am not surprised at his ignorance. I ask him in what manner it could have been possible to prophesy things that have subsequently taken place, to have thought of the difficulties that have been as a matter of fact encountered in the administration of these trusts and to have foreseen that a suit would be launched with regard to the points of doubtful legality with reference to the procedure that was adopted in connexion with this Bill. My hon. Friend"

* Mr. J. A. SALDANHA :—" Doubts were raised a year ago."

* The hon. the PRESIDENT :—" Order, order. I would ask the hon. Member to rise only to a point of order or to a point of personal explanation."

* Mr. A. RAMASWAMI MUDALIYAR :—" My hon. Friend, the Member for the University, said that most of the Members had not read the Bill, they could not have time to read the Act, though it has been in force for the last one and a half years. Surely, my hon. Friend is doing an injustice to himself. Does he forget the fact that this is a very momentous Bill? The hon. Member for the University will remember the Bill by which he sought to set aside this Bill. He wished to repeal the very Act that has been put on the Statute book. My hon. Friend sought to introduce a private measure, had given notice of it, I believe it was balloted on one occasion, that he was going to repeal the Hindu Religious Endowments Act, but what on earth are his reasons for the repeal of the Endowments Act, the measure which we seek to re-enact? Are not the issues identical? Are not the members, who are supposed to know the facts with reference to the repealing measure, supposed to know the facts also when a re-enacting measure is brought into force? Did the hon. Member for the University think that when he introduced a repealing measure, every Member of this House would be full to the brim with knowledge regarding the provisions of the Bill and that they would have followed the working of the measure."

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* Mr. S. SATYAMURTI :—“ On a point of personal explanation, I did not then intend to rush my Bill at one stage by asking you to suspend the Standing Order. I gave notice of it, and if I got permission of this House it would have been published and referred to a select committee and things would have been considered most carefully and anxiously.”

* Mr. A. RAMASWAMI MUDALIYAR :—“ I leave it to you, Sir, to decide the relevancy of this explanation which does not explain anything. My hon. Member says it is a personal explanation. Let him explain his personal explanation if he chooses. Now, Sir, the point is that my hon. Friend says that no Member of this House is thoroughly posted with the provisions of the Act, and that the law requires every citizen to have a knowledge of this Act. My hon. Friend has been doing nothing since October 1923 except going about the country haranguing on a hundred platforms against the Hindu Religious Endowments Bill. Surely, he does not take sufficient credit for himself when he says that the country is not well posted with the measure and he surely does not give sufficient credit for other members, when he feels that we are coming to this Council knowing nothing of this Act and knowing nothing of the provisions of the amending Bill. My hon. Friend for Coimbatore introduced an amending measure to exclude from the scope of the Act, the maths. My hon. Friend for Tanjore introduced a measure as early as more than a year ago regarding certain amendments and they have now been incorporated in the amending measure. With all these facts before the hon. the Member for the University, it is futile to suggest that either he or those who are sitting with him or that part of the country which is supposed to be furious with agitation over this measure do not know what its provisions were. My friend asks ‘why on earth take up the measure on the eve of the elections?’ The hon. the Chief Minister has already explained this. If there is any inconvenience at all, if there is any danger and if there is anybody who is damaged by introducing a measure of this vital importance, which according to my hon. Friend is so keenly controversial in nature it is the sponsors of the Bill, who have decided to support this measure and not my hon. Friend. We are giving you a priceless advantage on this occasion and we are putting on the Statute Book a measure which is so unpopular, so opposed to public opinion, so opposed to all canons of Hindu law and the rest of it that we are bound to suffer at the coming elections which is not very far off.

“ My hon. Friend on another momentous occasion quoted the Ides of March. I do not know what the corresponding day is; but November is fast approaching and my hon. Friend can take this measure before the country as he is going to do. I say that he, as a publicity officer for his party, will find this as one of the invaluable materials for him regarding which to issue pamphlets . . . ”

* Mr. S. SATYAMURTI :—“ What about the nominated Members, the official Members ? ”

* Mr. A. RAMASWAMI MUDALIYAR :—“ He will point out, Sir, that the nominated Members and the official Members voted with the party and the measure was placed on the Statute Book. But, Sir, we are prepared to face the country with this Bill passed by this Council. We take the risk, as I said, and we allow every fair chance to our friends on the other side, to

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make what use they like, to exploit as best as they can this measure at the coming elections. I know how some of them exploited this source on the last occasion in my district. When I was standing for the last election, a pamphlet was issued a day before the election and circulated by three motor-cars—I know who sent these motor-cars—and in the pamphlet it was stated that Mr. Ramaswami Mudaliyar voted for a measure by which the temple funds were going to be utilized for the purpose of a drainage scheme for the City of Madras. Misrepresentation cannot go further and a grosser case of misrepresentation, I have not come across. Those invaluable chances are still open to those who are prepared to issue anonymous pamphlets in connexion with the coming elections.

“Sir, my hon. Friend, Mr. Saldanha, I am sorry I have yet to do something to do with him, speaks about this measure”

Mr. J. A. SALDANHA :—“I am also sorry.”

* Mr. A. RAMASWAMI MUDALIYAR :—“Yes, I am sorry because of his ignorance in this matter. He speaks of this as a great Governmental measure interfering with religion. My hon. Friend, I am perfectly certain on this occasion, does not know even the elements about the history of this question. He does not know how these institutions have been conducted in the past. He does not know the history of the last 15 years, at least with reference to these religious institutions. And for his delectation, if not for his knowledge and information, I should like to place the history of this question before this House. With reference to these religious institutions, anybody who has gone through the history will realize that it has been the solemn duty of every Hindu Raja—and it is still so in every Native State—to look after the temples. That duty was cast on them from time immemorial. It has its origin in the Dharma Sastras which my friend can so eloquently quote if he has got the chance of quoting. Those who have followed the history of the temples will know that the Hindu Rajas at any rate looked after these temples and later on, dynasty after dynasty of foreign rulers thought it was their kingly duty and their privilege—not merely privilege but their absolute duty—to look after the temples. We hear a good deal about the Muhammadan rulers of those days and a host of others. In the case of the Muhammadan rulers, with rare exceptions, who forgot the very tenets of their religion just to wreak their vengeance upon a foreign aggressor, even in those days the Muhammadan rulers were conspicuous for the part they played in regard to the Hindu temples. For instance, Tippu Sultan was one of the greatest of such rulers; but to this day you can see the standing monument in his fort, in his very capital of Srirangapatam, where facing the Daria Daulat there is a Hindu temple where the presiding deity, God Sri Ranganatha, is being worshipped to this day.”

* Mr. S. SATYAMURTI :—“But did he manage that temple himself?”

* Mr. A. RAMASWAMI MUDALIYAR :—“Yes, he managed it and most efficiently managed it through those agents of his, just as any Hindu king or any king of Mysore would have done in those days. My friend should know a little of the history of the Mysore State if he wants to know how Tippu Sultan managed that temple. And when the British East India Company came there, they found it was their privilege and their duty to

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look after those temples. From the year 1775 up to the year 1842 they took hold of any temple whenever they found there was mismanagement. In Southern India, at any rate, most of the Hindu temples were in the hands of the East India Company and the East India Company were managing all those temples through their officers, the tahsildars and the revenue inspectors. They did not go to the temples themselves, though the orthodox Hindu of these days allow them to go into the temples unlike the orthodox Hindu of that day who would not allow them into the temples, because they were foreign. That is not the way in which they understood respect of orthodox in those days. The East India Company managed for them through Hindu Dharmakarthas and through their Hindu officers. In 1817, they passed a special regulation, the Regulation VII of 1817, by which they wanted to regulate more effectively the management of these institutions and a change came about only because Hindu sentiment was for it. I beg my Friend Mr. Saldanha to look at the history of these temples. There is a beautiful book called 'Dissociation of idols and forms of worship,' a book of about 500 pages. My friend would not read the Dharma Sastras, but I dare say he will understand a little if he will but read this particular book. My Friend, Mr. Saldanha, will then know more to the point as to how the Hindu temples were managed in those days. Then an agitation arose, not from the orthodox Hindus or social reformers, but from Christian Missionaries who were interested in proselytising and said that their capacity to get converts was poor so long as a foreign Government, a Christian Government, was associated with managing and reinvigorating the Hindu temples. What, after all, has been the secret of the success of Hinduism which has withstood a series of dynastic invasions when wave after wave of dynasties came to rule over us? I venture to think it is not your Vedas, it is not your puranas, it is not all that old system of Hindu philosophy which we are never tired of praising, and justly too, but it is the temples in the land, the temples managed by the foreign Government which maintained Hinduism when there were then living thousands and thousands of illiterate Hindus who never looked at the Vedas and never knew what philosophy meant. Therefore, Sir, those temples were maintained by the Government and the Christian Missionaries agitated in this country against the action of a British Government, a Christian Government, in encouraging idolatrous forms of worship. They, however, did not succeed in this country. The Governor-General in those days was against it, the Local Governors were against it and the Civilians of those days, the old Civilians who were nominated to the Indian Civil Services, almost to a man, Collector after Collector, the Collector of Chingleput, the Collector of Trichinopoly, the Collector of South Arcot, the Collector of North Arcot and the Collector of South Kanara, of which we are going to hear so much from Mr. Saldanha later, all these gentlemen were against the idea of the Government dissociating themselves from the management of these temples. They said it was the supreme duty of the Government, it was incumbent on them as the supreme rulers of the land, to see that their connexion was not severed. Then, the Christian Missionaries carried their agitation into the floor of the House of Commons where they could not have a Hindu opinion against them, where they were not even opposed by the Collectors who were associated with the daily life of the people and who knew the troubles which these temples would

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come to if the disconnexion was given effect to. And in Parliament the Secretary of State who was bound to carry out the opinion of the majority there, even as the Ministers here are bound to carry out the opinion of the majority, came down on the East India Company, on the Board of Directors and the Governor-General and said that by the 1st of December 1842 the Government must disconnect themselves with every single Hindu temple or Muhammadan temple with which they were connected for a long time. That is the history, Sir, of how the British Government came to be disconnected with these temples. My friend does not know a bit of that."

* Mr. J. A. SALDANHA :—"I know that." (Laughter.)

* Mr. A. RAMASWAMI MUDALIYAR :—"Perhaps he knows it now, after I have told him. In 1842, the Government went about offering men, whoever they might be, every Tom, Dick and Harry, and whoever came in, the management of these temples. I shall show several instances where the Government had approached people to be trustees and when anybody asked to be excused, they gave the trusteeship to whomsoever they liked. When Government published that conclusion, a cry came up from the Jeer of Tirupati, the Thathacharya of Conjeeveram, the Thirthakar of Srirangam and other orthodox people of most undoubted character for whom even the mover must have the greatest of respect. But the order did come from the headquarters, from England. There was no question of the 'man on the spot' theory propounded in those days, and therefore the Government had no other alternative but to give up all connexion with those temples. For 20 years, it went on like this and then even the British Government felt that the things were going from bad to worse, that there was no control, no sort of scrutiny, that temple funds were being squandered and wasted; and in 1863 they came with the Endowment Act XX of 1863. Within seven years of the passing of the Act, men began to say that the 1863 Act was a farce, that it was an unworkable thing and that no guarantee could be given to any of the temples in the land. The most orthodox of men came forward then. My hon. Friends know the hon. Mr. V. Rama Ayyangar's Bill of 1871 and subsequently for every ten years at least there was a committee appointed to consider this question. It was succeeded by Robinson's Bill which was itself later succeeded by Sullivan's Bill. That, in its turn, was succeeded by Sir T. Muttuswami Ayyar's second Bill. In previous Bills, the very same doubt was expressed as has been expressed in this Bill, that is, that these temples have to be brought under control. My hon. Friend knows that in previous measures, at least Sir T. Muttuswami Ayyar's and Robinson's Bills, this very point was raised as to whether maths should be brought under control. As regards the later measure, the second Bill of Sir T. Muttuswami Ayyar, from which an extract was read, there again the Government of India came in the way. They thought that being a British Government, being a foreign Government, a Government which did not understand the Hindu sentiments, a Government which was easily unnerved at the cry that the religion was in danger—a little boy had only to cry 'boo, religion is in danger' in those days, and the history of the greased cartridges was fresh in their minds—they should lay an embargo on the measure that maths should be included and said to the Local Government 'Please see that its scope is as narrow as possible'. Fortunately, Sir, we are

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living in better days, we are living at a time when we can safely take such measures in our own hands and have them passed by the elected voice of the people themselves, passed through one of our own elected Ministers, and therefore the Government, that portion of it which was nervous need not be nervous any more.

"It was asked 'how is it that a Bill is being brought to-day'? My hon. Friend has forgotten the whole history of this Bill. It is not that we are trying to enact a measure anew. My hon. Friend wants it to be placed before the country. He says it is a new Bill; but it is not, it is not one on which the country has not expressed an opinion nor had any opportunity of discussing the details. My hon. Friend wants this Bill to be published, certainly for opinion; but what is there in an Act which has been passed by the Council, what is there that they do not know on this subject? It is the same thing that has been going on for a long time; a select committee sat at which evidence was taken, at which responsible gentlemen from all parties came and gave evidence, and I think the whole country has been discussing this subject. I submit it is a futile suggestion to make now that it should be placed before the public again.

"My hon. Friend goes into the details of the Bill and when we go into the details, I shall have many arguments ready for him. He however refers to one detail. Sir, I have heard a great deal, Sir, said of the *Cypres* doctrine. My hon. Friend seems to forget that after all the *Cypres* doctrine is not one of those things that are quoted in the *Dharma Sastras* as my hon. Friend has discovered, but it is a doctrine which has been propounded by English Courts of Law, who knew nothing of the Hindu customs and manners. Sir, in every Bill that was passed before this time, this very question of application of surplus funds has found a place. I ask you again, Sir, whatever may be the opinion now, has Hindu opinion been so unanimous after all against the doctrine of *Cypres* and its application? What is the hon. Mr. Seshagiri Ayyar's view? Before I go to that, may I draw my hon. Friend's attention to the *Tirupati* case which went up to the Privy Council? On both sides [very eminent lawyers and barristers were engaged: on one side was Sir V. Bashyam Ayyangar, the late Mr. Krishnaswami Ayyar and several other men of eminence in the legal line; and on the other side there were equally brilliant lawyers. On the presiding Bench was that great Hindu jurist, Sir Subrahmanya Ayyar. The question came up as to how surplus funds of the great *Tirupati* temple were to be applied, and the scheme that they proposed in those days, in 1905, and the fate of that scheme will show what the Hindu opinion of those days was and I am trying to tell you that all this exploitation of the *Cypres* doctrine to-day will not hold water because Hindu opinion has been against it. In the course of the judgment, Sir Subrahmanya Ayyar says:

'Proceeding on the *cypres* principle, the following are the objects on which both sides—

"I have tried to tell you who the both sides were—

'are agreed that the surplus funds may be appropriately spent'.

"They then quote examples:

'1. The establishment of a college in Lower *Tirupati* for the promotion among Hindus of a knowledge of the Hindu religion and *sastras*, such college to be styled, "The Sri Venkateswara Vidyasala" with a library attached and with suitable buildings inclusive of residential

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quarters for the teaching staff as well as hostel accommodation for students who may be permitted to remain in the premises of the college, the annual expenditure in the upkeep of the college not exceeding, until further orders, the sum of twenty-four thousand rupees.

'2 The distribution of prizes annually to persons possessing proficiency in the one or other of the various Hindu Sastras, to an extent, until further orders, not exceeding rupees twelve thousand. Rules for the management of the college and the award of prizes shall be made by the trustees from time to time subject to the approval of the District Court.

'3 The foundation and maintenance of a hospital on the hill for the relief of the numerous pilgrims and worshippers visiting the place.

'4 The construction and maintenance of a choultry or rest-house in the same place for the use and accommodation of all classes of pilgrims visiting the shrine.

'5 The introduction of good water-supply on the hill.

'6 The improvement of the road communications to the shrine.'

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"These were the objects, Mr. President, which a real Hindu Judge did not feel inconsistent with the institutions either according to the tenets of religion or according to the principles regarding the Hindu religion which my hon. Friend from South Kanara expounded. These were the objects that both the sides felt were not alien to the endowment. Subsequently, of course, in England, in that far off land, in the Privy Council, when the case came up undefended, the other side not being represented, four European Judges, ably assisted no doubt by another European barrister, none of whom had ever seen India or known anything about the Hindu religion, stated that the whole scheme should be scrapped. What happened later? A few schools had been established, schools not of the description which was given there, not Hindu Dattasalas, not Hindu Universities, not schools which encourage Hindu Sastras but a school in Vellore and a school in Tirupati, the type of schools which a 'Satanic' Government is pleased to encourage. For these schools a Bill was passed by the preceding Legislative Council, sponsored by Mr. T. V. Seshagiri Ayyar, the then High Court Judge, sponsored by Mr. V. S. Srinivasa Sastri, now the Right Honourable Member of the Privy Council, sponsored by Mr. L. A. Govindaraghava Ayyar, sponsored by all the Hindu orthodox opinion of the day and tacitly proposed, perhaps overtly accepted by my hon. Friend from Nellore, because I know in those days also he was as eloquent as he is to-day. (Laughter.) The Bill was passed for those schools by this very Legislative Council, Sir, after doubts had been thrown on the validity of spending sums from temple funds. Those doubts were set at rest by an Act of this Legislature invalidating the Tirupati Deasthanam School at Vellore. Where was that Hindu opinion which my hon. Friend says is now represented here? Now my hon. Friend finally winds up by saying 'do not depend upon your majority'. My hon. Friend in one breath talks of democracies and in the other says that it is incompatible for him to suggest that the majority should not have their way. I fail to understand where democracy comes in and where it steps out. In considering the case with reference to my hon. Friend, so long as the Legislature or any particular body accepts his views in the matter, democracy is safe but so long as it differs from him democracy is in danger if it has not been buried five fathoms deep—to use the phrase which my hon. Friend used in another place . . . (Mr. S. Satyamurti: I used that phrase while referring to the Justice Party). My hon. Friend has bitter recollections of the recent past that I do not wish to refer to that phrase again.

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"I have only one word to say, Sir, and I have done. I know that it would have been a simpler method, it would have been a more easy task, if following the lines of least resistance, my hon. Friend, the leader of my party, the hon. the Chief Minister had allowed things to drift, had not introduced this measure to-day, had not taken the pains to put us all to that severe discipline of attending the Council, at a time when we are busy with the work elsewhere and taking part in the Legislative Council meeting. But, Sir, there are people who rise above personal inconveniences and my friend, I do not wish to say, more especially in his presence, is one of those who feels that if he is convinced that a certain thing has to be done it must be done. My hon. Friend there took courage in his hands to come forward to this Legislative Council, placed the Bill before you and asked you to pass it through saying that the very administration is in danger, that temples will not be properly looked after if this sort of things should continue. What is the present position, Mr. President? The legality of this Act is being questioned in courts of law. It is a new Act which we are for the first time trying to enforce. Parties are non-co-operating with the Endowments Board. They raise the excuse that things are in a state of chaos with reference to the legal position. The old Act has been annulled, you cannot go back to the old provisions. The new Act is in a state of suspended animation and what is the position of the Hindu temples, what is the position of the Minister and of the duties that he has to perform as a member in charge of the Religious Endowment Bill? Is he to suggest that it has become a failure? When the Government apparently advanced monies to the Hindu Religious Endowment Board and when the Finance Member pulls the strings of the purse a little more tight, should he allow the temples to go to rack and ruin? Is that the position which my friend suggests? My hon. Friend let the cat out of the bag at a very inconvenient moment. He said he should be prepared to see this position, that the hon. Member should not bring in this Bill until the High Court had given its decision, and if the decision was against the Board, until the Privy Council's decision had been obtained. The hon. the Raja of Panagal has already said there is nothing which militates against the doctrine, that matters *sub judice* should not be discussed on the floor of this House. My hon. Friend the Raja of Panagal quite legitimately stated that commissions were being sought to be applied for and probably given, by which witnesses far away would have to be examined. What will be the length of time taken in these commissions being sent out, in these commissions being returned? Apart from the cost involved what would be the delay—two years, perhaps three years? My hon. Friend on other occasions will say that one or two years is a great delay. May I ask him what is the position of these temples and maths? If, after two or three years, you have the High Court decision that the law is invalid, is not the Minister in charge of this Endowment Bill, unless he thinks that the whole Act should be repealed, bound to take up the position that at least after the lapse of those two or three years he should come again with a re-enactment to this Council? What is the position of the Minister? Is he to wait for these two or three years and say that the Board costs additional expenses and that the temple trustees squander money in any way they like and that they were exactly in the place where we are to-day on the 25th of August 1926? That is the sort of administrative efficiency which my friend with his large ideals of Swaraj tries to import into

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the discussion. We, Sir, are not such advanced politicians. (Hear hear.) We are content to take up the position that everyday a man has to take up what he considers as his duty. Therefore, it is in that spirit that this Bill has been brought forward and I appeal to every section of the House to throw prejudice aside and try to pass this measure unanimously, if possible."

Mr. S. SATYAMURTI :—" Mr. President, Sir, the motion of my hon. Friend the Chief Minister is that this Bill be read in Council. This is the stage, Sir, at which this House has got to deal with the main principles of the Bill and state its objections thereto. Before I do so, I want to remove one possible misapprehension. I was not a party to the Hindu Religious Endowment Board Act as it was passed in 1923. This House has every right when the Bill comes before it for the first time, to examine it on its merits, and offer its criticisms thereon, and oppose the introduction of this Bill. It seems to me that the Ministerialists cannot afford to have the cake and eat it too. Either it is a valid Act or it is not. If it is a valid Act, there is no need for this Bill. If it is an invalid Act, this Bill comes before us. It is a Bill and you cannot with one breath say there is no Act, therefore have this Bill and in another say that this Bill is a mere formality, there was an Act already and therefore go merely through the formal processes. I therefore suggest to every hon. Member of this House to look at this Bill as if it were a measure, consider it on its merits and then vote upon it one way or the other. My first objection to this Bill, Mr. President, is that it violates the well-known principle of religious neutrality, which all modern Governments have observed and must observe. One knows that it was through a painful process of quarrels and wars between States and Churches, Christians and non-Christians, that the modern conception of the State has been evolved when the State as such has nothing to do with the Church. Where the State is a mere secular State and rules over people belonging to different religions, it leaves those religions to follow their own tenets, manage their own institutions and arrange their religious places and customs as they like, and especially in a country like India where you have got at least three great religions, Hinduism, Islam and Christianity, I suggest that it will be a fatal blunder on the part of Government to enact any Bill which goes beyond the minimum required for securing the proper administration of the finances of these institutions. I concede, Mr. President, at the very outset that if this Bill were confined to one or two financial provisions, say, that there should be a budget, that there should be an audit by auditors appointed by Government, and that these and other similar things should be provided for, I for one, would not object to this Bill. But what I do object to, is and I believe, all enlightened public opinion objects to is, the attempt on the part of the secular Government to interfere with the details of management of religious institutions. My hon. Friend from Chingleput referred to the fact that the hon. the Chief Minister being a Hindu to-day is proof positive that the foreign Government which was obsessed by the fear of interfering with religion was wrong and that this Government is right. He forgets, and quite rightly forgets, for six years is a long time, that in that place a Christian may sit, a Muhammadan may sit, or an Englishman may sit and is it suggested, that because he is the Chief Minister he ought to have that right and that a Hindu Religious Endowment Bill ought to be enacted by a Hindu Chief Minister, and a

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Muhammadian Religious Endowment Bill by a Muhammadian Chief Minister? No, Sir, conceptions of the relation of the State and the church are governed not by the caste or the religion to which the members of Government happen, for the time being to belong, but on well-recognized un doubted principles, the most important of which is that it is good neither for the State nor for the church—for the State to interfere with the details of management of the church. That is my first and foremost objection to this Bill. On that matter I desire to point to this House the authoritative commitments given by the Government of this country to the people of this country. I need hardly remind this House of the famous Proclamation of Queen Victoria who said: 'We do strictly charge and enjoin on all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure'. Do you know, Mr. President, that this Bill contains extraordinary provisions, about dittams of temples, how many coconuts should be broken, how many seers of oil are to be used for abhishekam purposes and how much panchamrutham has to be made? Should these be decided by a secular board, which may consist of heterodox people who do not believe in these things, who have a contempt for them? Is that not interfering with the religious beliefs, and the religious forms of worship of Hindus to whom religion is dearer than life?

"Then Sir, we have section 22 of the Imperial Act XX of 1863 which 4 p.m.
says:

'It shall not be lawful (after the passing of this Act) for any Government in India, or for any officer of any Government in his official character to undertake or resume the superintendence of any land or other property granted for the support of, or otherwise belonging to, any or other religious establishment, mosque, temple . . . etc.'

"Is it suggested that because we have got a kind of Transferred half, a kind of simulacrum of self-government called Diarchy, that we can go back upon all those principles and empower officers of Government called Members of the Central Board—they are officers appointed by this Government, subordinate to them and removable by them—to interfere with the internal management of temples and muath properties?

"Then, Sir, coming to much more recent times we have in the famous, report of Mr. Montagu and Lord Chelmsford—I am reading from page 124 of that report—the following:

'We have of course no intention of interfering with questions of a religious nature or bound up with religious beliefs, which it is the duty of Government so far as possible to respect and to leave alone.'

"Are these creatures of the very Montagu-Chelmsford Reforms, which gave them these powers going to tear to tatters the words of authority of those authors of the Reforms? It is the imperative duty of the Government so far as is possible to leave religious questions and religious beliefs severely alone. On this very matter, when this question was being agitated in this country and when a deputation waited on Lord Reading, the then Viceroy and Governor-General of India, said:

'The Governor-General's duty is not, as you well know, merely to give effect to the views of the majority; a particular exception is in relation to Bills which contain provisions affecting religion or religious rites. And no doubt, the reason is because the policy of the British Government and of the Government of India is not to interfere with religion or with the religious

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rites, but allow them full liberty to carry on their own religion in their own way according to their own belief. That is, I believe, one of the essential principles of British rule which has caused it to be regarded as a just and liberal administration.

“Concluding the Viceroy said:—

‘There is the fundamental principle of the British Government in India which the British Parliament has taken care should be preserved the freedom of religion from interference. You will remember—these are my final words—that the provisions of our constitution make it imperative, as it seems to me, upon the Governor-General to consider not only whether the Bill affects religion but how far it affects it and what its consequences may involve.’

“I may mention in this connexion that under the Reservation of Bills Rules governing our legislative business, the Governor is bound to reserve for the consideration of the Governor-General all Bills ‘affecting the religion or religious rites of any class of British subjects in British India’. Unfortunately, the rules are defective, in that it leaves the matter to the Governor, and we cannot take it to a court of law. I am mentioning this to show the particular care that the British Government has taken in order to preserve the doctrine of religious neutrality intact. I ask the Chief Minister and his supporters whether they accept the continuity of policy of the British Government or not. Do they suggest that because this subject is a ‘Transferred one they are free, and they are entitled, to give the go-by to all principles of religious neutrality and say ‘they are mere scraps of paper and we care a two pence for them’ and drive a coach and pair through them? I want a definite answer from the Chief Minister with regard to those solemn pledges of the Government of India and of the British Government.

“Then, Sir, there is a continual obsession on the part of those who support this Bill against those who oppose it, as if there is no remedy existing at present against mismanagement of trusts and charitable properties. It is a fallacy, and I do not know if it is deliberate or otherwise. It certainly betrays ignorance of law. It is not as if even to-day the worshippers of temples are helpless in the matter of correcting mismanagement or breach of trust in the case of any public temples. They have remedies enabling them to go to a court of law. The courts of law have ample powers in that matter. Apart from private parties, my hon. Friend the Advocate-General, whom I do not see here, has got power to file suits to compel temple managements to be brought under schemes. I should like to know in what respect this remedy is defective. Why should not the temples be allowed to be conducted subject to the well-known safeguard of action by courts of law at the instance of relatives or the Advocate-General in this province, by means of which suits may be instituted against the trustees or managers of temples and schemes framed in order to bring the temples and their trustees under proper control? I should like to know from the Chief Minister and his supporters the reason why this remedy is considered defective, and why they want to substitute for the courts of law, their own machinery which is bound to be dominated by the views of the party in power, however eminent the Members of the Board may be otherwise.

“Then, Sir, in this Bill itself, there is a most mischievous provision—and I speak with full authority on it—which has been sought to be used for party advantage already, viz., the right of arbitrary exemption of temples vested in the hands of Government. Either all these temples want this control, or they do not. If you think this Bill ought to be enacted,

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enact it. Why keep in your hands the sword of Democles which you may hang over various people whom you may reward if they please you, and punish when they are against you, and which you may use by either exempting or not certain temples according to the measure of loyalty of the trustees or managers of these temples to your party? I should like to know the reason for this unjust, arbitrary provision. I should like to ask the expert Member, the President of the Religious Endowments Board, who was an eminent High Court Judge himself, whether he can support this doctrine, viz., that the Local Government which is allied to a political party whose exigencies know no bounds should have this power of exemption of this temple or that temple according to the sweet will and pleasure of the Minister. It is not intended with a view so much to take control over temples and maths but to create a political electoral machinery from Berhampur to Tuticorin, to act as agencies who will get votes for the party, to reward those who work with them and for their candidates and punish people who work against them and their party. It is therefore very clear that it is not in the interest of the temples for which they profess profuse anxiety, but it is rather in the interests of a party which is dying and which wants some prop or other to keep it in life.

"Now, Sir, I very strongly object to a Central salaried Board. I know that in that matter I have the high authority of the hon. the Development Minister who as a non-official Member of this House and as a Member of the Select Committee on this Bill wrote a dissenting minute against a Central salaried Board. I have yet to hear from him any reason why he changed his mind, except that he has transferred his seat from another place to the Treasury Bench. I should like to ask his Colleagues for what reasons they want a salaried Board, except that you want thereby to oust the jurisdiction of the civil courts and substitute an agent of your policy, and you want on that Board only people professing Hinduism. You must have people on that Board, if you must have that Board, only people who not merely profess but follow Hinduism. I am sorry I have to refer here to one person, who is present here, viz., to the President of the Endowments Board, who is not an orthodox Hindu but who holds peculiar views . . ."

* The hon. the RAJA OF PANAGAL:—"On a point of order, Sir. The speaker is indulging in personal remarks against an hon. Member of this House. I think the Member should have the protection of the chair."

* The hon. the PRESIDENT:—"He is only asking whether one of the members of the Endowments Board is an orthodox Hindu or not, and as the hon. Member concerned is present in the House I am sure he can take care of himself."

* Diwan Bahadur Sir T. SADASIVA AYYAR:—"I do not want the protection of the chair." (Laughter.)

* Mr. S. SATYAMURTI:—"I have the honour of knowing the President of the Endowments Board. If he holds any views, he is strong enough to express them. He does not hold orthodox views, but he holds peculiar and peculiarly strong beliefs on these matters. Are you going by means of this Board to try and introduce into our religious temples beliefs to which orthodox Hindus may be opposed—they may be right or wrong, they may be reasonable or not? Are you going to allow them to continue under their

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old orthodox views, or are you going to allow a secular Government whose composition may vary from day to day to appoint *ad hoc* committees on which men of orthodox or heterodox views or of no religious beliefs whatever may find a place?

“Then, the powers of the Board are extraordinary. They can settle schemes; they can do anything with reference to the management of the religious institutions; they can deal with cypres application of endowment funds and I will come presently to this matter of cypres application. Before I do so, may I suggest that a mere perusal of the sections of this Bill leaves a bad taste in the mouth of one who believes in courts of justice? There is throughout this Bill a very deliberate and a very conscious suspicion of courts of law. Wherever anything has got to be decided, the Board has got to decide it first. Then you can go to a court and then the court may decide the matter. Why this continual suspicion of courts of law, may I ask? It is not as if you avoid litigation, because you may take it, Mr. President, human nature being what it is, most of the decisions of the Board will be taken to courts, so that you will be multiplying litigation. First of all, the Board gives notice to the parties who appear through pleaders, an elaborate enquiry is held, and the Board comes to a decision. If it happens to be adverse to the parties concerned, they again go to a court of law. I therefore object very strongly to this ouster of the jurisdiction of the courts. That is a tendency, Mr. President, not only in this country, but in several other countries including England, to constitute *ad hoc* special tribunals to take the place of regular courts of law. I appeal to this House not to allow this tendency to substitute for the decisions of constituted courts of law the judgments of an *ad hoc* tribunal appointed by the Executive Government, removable by them and subordinate to their control. We talk continually of the majesty of law in this country, and my friends on that side every morning pray to God for the continuance of law and order maintained by the British Government in this country. Why then make this wanton attack on law and order, which is maintained and which is administered by courts of law? Why do you create this distrust of the courts of law by saying that, so far as you are concerned, you prefer the judgment of your own servants to the judgments of the courts of the land?”

“With regard to the doctrine of cypres application, Sir, my hon. Friend from Chingleput, who is probably so tired after his speech that he has gone out, suggested that that cypres doctrine was completely justified because of a judgment of an eminent Judge of the Madras High Court. He waxed eloquent over the supremacy of the Madras High Court. I should like to know from him since which date he began to treat with contempt the Judicial Committee of the Privy Council. Those of us who subscribe to the cypres doctrine do not object to the specific application of specific endowments for specific purposes, if such matters are particularly brought before this House or before courts of law. I do not object if legislation is brought with regard to any particular temple on those lines. To take the Tirupati temple for example, it will be considered on its merits. If anybody sues for the framing of a scheme for a temple, I have no objection. But I object to the very wide, arbitrary power of declaring that so much of temple or math funds are quite enough for their legitimate purposes and that the Board

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can then specify or direct that the remaining funds may be applied to any of the purposes not inconsistent with the original object of the trust or charity. Moreover, Sir, if you look at that section carefully, you will find that it ought to lead to a situation by which in no temple or math there will be funds for the application of the cypres doctrine. If the temples are to be maintained in the manner in which orthodox Hindus love and if all those festivals are to be conducted in the manner in which we believe they will be for our spiritual and religious well-being, I do not think we shall have funds left for any cypres application. But the secular Board can interfere with those things and say 'you must have a school here or a hostel there', which you may perchance ask the Viceroy to open, and then you will say 'Look at the effect of our Endowments Bill. I have built this school here or that hostel there'.

"We say that doctrine of the cypres application should not be applied to our temples or maths because there are purposes connected with these temples or maths for the correct and complete service of which alone funds will be always less than sufficient. But, assuming for the moment that there are funds, why should this Board be given authority to do what it pleases subject of course to an appeal again in a court of law? Again, these are the words 'not inconsistent with'. What do they mean? The Advocate-General or the expert member will kindly explain it. What is the purpose which is not inconsistent with the foundation of our temples or maths? Nothing will be inconsistent: schools, hospitals, music classes, fireworks, nothing will be inconsistent. If you teach people how to make fireworks, they will be able to let them go during the festivals of the Gods. If you teach carpentry, you can have vahanams, etc., constructed. Where is it to stop, this cypres doctrine? It seems to me that if you want this, you must say, 'purposes wholly alike or akin to the purposes for which the temples are founded'. But I object to this cypres application altogether.

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"Now, so far as the maths are concerned, I entirely agree with my hon. Friend from Nellore who pleaded for their exclusion from the Act. A good deal of confusion is sought to be created in this Presidency by the suggestion that the opposition to this Bill is purely Brahman and that the non-Brahmans are all united on this matter. The vote on the motion this morning showed the falseness of that suggestion, and the vote on this motion will show it again. Brahman maths are being, one after another, excluded from the operation of this Act. It is the non-Brahman maths which are sought to be brought under the operation of this Act. So, if the Brahmans were merely to sue the Raja of Panagal and ask him to exclude the Brahman maths, I am sure they will succeed. So, the opposition is not based on the Brahman-non-Brahman question as it is continually misrepresented to be in the press and on the platform. It is really an objection to State interference with maths. With regard to maths, Mr. President, I want to tell you one thing. I do not know if the heterodox Hindus and the heterogenous non-Hindus had appreciated it. If I go to my Acharya, the head of the Kumbakonam math, I must go with bated breath and in whispering humbleness, fall at his feet and stop there until he directs me to take my seat. You may laugh at it, but that is the position. All those who come from the Tamil Nadu are in the same position, viz., that with regard to our Acharyas we look upon them as our spiritual heads and gurus. I object

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very strongly to the proposition that they should be compelled to send an accurate and verified statement of accounts saying: 'I, so and so, swear that this thing is quite correct'. And when he sends it up, my hon. Friend the President of the Board will make an enquiry and correct it and send it back to him. I object strongly to that. I feel it an insult to my religion. My Friend, owing to party exigencies and Brahman-non-Brahman controversy in this province, thinks that the religious susceptibilities of the people are not sufficiently excited over the matter. But let this Act remain in force for some time more and then he will find that the religious conscience of the Hindu public is roused and people will see the inequity of this measure. We are betimes warning this Government of the dangerous steps they are taking in violating what the Hindus consider most sacred—the rights of the heads of the maths, the heads whom they look upon as their spiritual gurus.

"With regard to maths there are extraordinary powers taken, but with regard to them there is a series of judicial decisions. Let us consider the opinion of eminent publicists here and elsewhere. They hold that these maths are not public trusts and that they ought not to come under the control even of courts. Speaking for myself, I am perfectly willing to have financial control. But I object to the supervision by the Board. I object to the cypres doctrine. I object to the continuous, meticulous, detailed interference of the secular *ad hoc* Board in the administration of these great maths. I hope Members of this House will realise the position which we occupy with regard to these maths and not allow the Government to lay very light-heartedly their profane hands on these sacred maths.

"Then, we are told that one of the main objects of this Bill is to prevent litigation. Past experience has shown and let me warn, future experience will show that this hastily drafted, ill-conceived and indecently hastily rushed Bill is going to be the father of much greater litigation than is ever dreamt of. Therefore it is not going to achieve that object. Secondly, may I repeat what I said on another occasion this morning, that social and religious legislation of this kind should not be undertaken by a party on the mere strength of its majority?

"My hon. Friend from Chingleput waxed eloquent a few minutes ago over the rights of the majority. I am willing to accept that challenge. If this House consisted, as it ought to consist, only of elected members, this morning you would have had to give your casting vote one way or the other as to whether this Bill is to be passed or not. And if you gave the casting vote, I should hope, in favour of keeping the *status quo ante*, that motion would have been defeated. If, on the other hand, the non-Hindu elected Members of this House were chivalrous enough to stay their hands and did not interfere in a matter which does not concern their religion, this morning you would have found, Mr. President, that by a majority of two this House would have accepted the motion for adjournment. Therefore, there is no use throwing challenges knowing all the time that there is a solid block of votes behind you which knows only to vote as you vote.

"My hon. Friend the Raja of Panagal and his lieutenant the hon. Member from Chingleput told me that they took the risk of the general elections. I would have admired their courage had they added: 'we will

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either introduce this Bill or keep it back according to the votes of the elected members of this House'. Where does the courage come in otherwise? When in spite of that every one or some of them come back again relying upon the votes of persons whom neither I nor anybody else can replace as they are permanent fixtures, and turn round and say, we will pass this measure, I would only appeal to their chivalry to fight a square and clean fight. I will face them and say: Do not depend on non-elected members and then say 'please take this challenge'.

"My hon. Friend from Chingleput said that they entertained no possibility of doubt about this Bill and therefore they did not bring forward this Bill early enough. I want to refresh his memory. When Lord Willingdon sent this Bill with his recommendation, almost all the points of law raised in these suits were raised on the floor of this House by my humble self and by many others, but they fell on deaf ears. My complaint against the Government is that they were badly advised by their legal advisers or that they did not take their advice. I find that time after time when points of law are raised, they either brush aside the advice of their legal advisers—I hope the hon. the Chief Minister will profit by the experience of the last three years—or they have no competent legal advisers. They should abide by the advice of the legal advisers and not compel them to advise according to political exigencies. I say this that any lawyer, had he been merely asked to advise on this matter, apart from political exigencies, would have advised this Government that this Bill was wrong and was bound to be declared invalid by reason of serious flaws in the procedure in regard to the passing of that Bill and yet, in spite of that we are told that they were not responsible for the delay in bringing this Bill. My hon. Friend from Coimbatore said that Lord Willingdon sent back this Bill and that the Minister was not responsible for it. May I remind this House that the Raja of Panagal said that the Bill was returned by Lord Willingdon with his consent and on his advice? All the amendments which were sent by Lord Willingdon were sent by Lord Willingdon with the advice of the Chief Minister. Therefore that procedural defect was again due either to wrong advice given to the Minister or to his not accepting the right advice given and relying merely upon his party majority.

"Sir, my hon. Friend also waxed eloquent over my repealing Bill and said that therefore I must know the Bill and everybody else must know the Bill. I take a more serious view of the responsibilities of hon. Members in this House. On such highly controversial measures I am here not only to give my views ex-cathedra, but also the opinions of those whom I seek to represent. My complaint this morning was and my complaint now is that no sufficient time has been given to the Hindu public affected by this Bill to consider it in all its aspects and to give its opinion on the Bill to this House. There is also another fallacy, Mr. President. To say that a Bill is on the Statute Book and is therefore before the public is a far cry from saying that a Bill is before this House and is going through various stages and the public themselves are invited to be alert and give their suggestions. I appeal to human experience. I ask my friends the lawyers with whom many cases are lying for months together, whether they make a detailed study of all of them as soon as they are received. Is it not the case that only a few days before they are expected to come up in the court that they

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study them? If they are told, you filed your vakalat two years ago, unless they have the memory of a Ramesam, they may not be able to know the particulars of the case. It seems to me, to say that the Bill has been on the Statute Book and therefore the public are presumed to know all about it, is merely begging the question. My complaint is that after the Bill is brought before the House, sufficient time has not been given to the public as provided for by our own rules and standing orders for the consideration of this Bill in view to the discussion on the floor of the House of the various clauses of that Bill.

"Then his Parthian shot was, 'we as a party are determined to go on with this Bill. Go and do your worst. Go to the country and fight us.' If I were as irresponsible as he, I would accept that challenge. I believe that we are here not to score mere party advantage, but that all of us are here to do our best according to our humble lights to serve the interests of the people of this Presidency. May I ask the Government whether they are going to allow the strength of the majority to be used to destroy the opposition? They say: 'We have the power. Go and destroy us in the public eye.' You and I are fighting. Are all these temples and maths to be used as pawns on the chess-board of party warfare? It seems to me that the remarks of my hon. Friend are most light-hearted ones and I regret to have to say it in his absence. But I repeat, no responsible Member of this House can answer a serious objection to a serious Bill by saying 'I care a tuppence for your objections. I will go on with this Bill because I have a majority. If you are dissatisfied, go out and fight me.' Then why are we here? We may as well stay outside, watch the proceedings of this House and expose them. We come here to offer our suggestions, our criticisms and our advice, and, although my hon. Friend may feel impatient and may not like all these processes and may like to have a three minutes' sitting to have the Bill read, considered and passed into law, everybody singing halleluajs. But some of us take a more responsible view of the functions of a chamber like this. We believe that there is a place for the Opposition in this Council. We believe that responsible governments are not to pass legislative measures on the strength of a majority party. I want them to consider on their merits the objections of the Opposition. That is why we offer the opposition we are offering to-day.

"I regret to note the cynical and supercilious tone in which the hon. the Minister spoke on the matter and the obvious acquiescence of the party in the matter. Remember it is a game at which two can play.

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p.m.

"On a historical occasion, your predecessor said 'I cannot take notice of interruptions made by Members sitting in their places'. So, I leave it to you, Mr. President, to say whether interruptions such as these made by hon. Members sitting in their places can be allowed. But Mr. President, I do hope that all sections of the House will consider this Bill on its merits, and will not allow it to be read in Council, but will vote against it, and thus teach the party in power that in a complex piece of legislation like this they must not be too hasty, but that they must take public opinion along with them and also assure the temples, maths and matadhipathis and the vast orthodox Hindu public that this Council is not going to be a party to confiscatory legislation forcing into our temples traditions of the heterodox

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usages and traditions, traditions which are not consistent with the traditions of the British Government or of any decent secular Government, viz., that the State and the Church shall remain apart for all time for the mutual good of both."

Raj Babadur Sir K. VENKATAREDDI NAYUDU :—" Sir, arguments have been advanced just now, arguments which are intended to go to the very root of the Bill, and arguments which were intended to induce this House to reject this Bill which was twice accepted by this House, not merely in the first Legislative Council of the Reforms but also in the second Legislative Council. One would have expected something in the nature of a convincing kind, something new, something appealing which would show that times have changed since the Act was passed. That would have been in order to change the minds of the Legislative Council. But what are we told? What are the arguments that were advanced? The first is of course the red rag which every one of those who have spoken against the Bill and those who have supported them has always shown, namely, the red rag of religion in danger. We are told, very seriously told, that the religious neutrality so solemnly promised to us in the famous Magna Charta, the Queen's Proclamation, has been violated. Forsooth! Violated! How? It has been violated as it was violated when Sati was abolished. There were men in those days who said that religion was in danger, because women were not allowed according to that Act to go to the funeral with their husbands. When again the Widow Remarriage Act was passed, it was said 'religion was in danger' and there were orthodox men in those days like the hon. Member for the University who would throw off their threads and take off their clothes and cry 'Hindu religion is in danger'. What do you find to-day? You find to-day a few of those happy women who were originally condemned to a life-long misery, have chosen the path of happiness about which, I take it that the hon. Member for the University will not be sorry to-day. Again, Sir, when the Age of Consent Bill was passed quite recently, we heard the same cry from orthodox sections 'religion is in danger', 'religious neutrality has been violated', 'Queen's Proclamation has not been honoured'. How, I ask? These alarms will always be raised and these arguments will always be advanced, let me hope with the same result which they had when Sati was abolished.

"But, Sir, I ask, after all, have we violated any religious neutrality in this Bill? I ask in all seriousness whether hon. Members who put forward these arguments really and honestly believe that there is any question of religious neutrality involved in this Bill. Is it not purely a matter of secular nature? Is it not purely a matter concerning the management of the properties of temples and maths? My hon. Friend the Member for the University referred to the Act of 1863 and drew our attention to a clause therein where they said they would not interfere in actions which were purely religious. Have we not got a similar provision in this Bill? Is it not possible that sections 79 and 80 of the Act have not attracted the attention of the hon. Member for the University? There, you will find that sufficient protection has been given when it came to a question of religion proper. Certainly, religious liberty this Council should not interfere with. But if the hon. Member for the University should consider that employment of dancing girls in temples is also a religious matter, I, for one,

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let me hope every free thinking man in this House, will not believe that. If that be religion, woe be to it. References have been made to certain other things, namely, the manufacture of fire-works, etc., and it was added that this Bill would interfere with Hindu religion. Sir, in this land, Hindu religion is mixed up with so many other matters, social and secular, that, sometimes, at least in foreign circles, we have become a laughing stock. Let not another thing be added to it to-day to show to the world at large that we are considering these secular matters to be part of Hindu religion. Sir, I conceive Hindu religion to be of a superior kind. I place it on a higher plane and would prefer not to mix it with social and secular matters. Let me assure this House that there is not a single provision in this Bill or in the Act which seeks to violate anything which we have accepted as religion.

"The next thing we are told is that we should have waited till the next Council came. We are asked to consult our voters. I admit that a mandate from the voters in our constituencies would unquestionably be a very good thing indeed to proceed on. But may I ask again, have we not had the mandate of the people? When the Bill was passed we know that many pamphlets were issued and was not the agitation as great then as it is to-day? I would only refer the hon. Members of this House to the amount of ink that must have been spent by the numerous newspapers at that time in Madras which (by the by I may say) practically with a single exception opposed the Bill, trumpeted to the electorate that heavens came down because we legislated in this Council the Religious Endowments Act and that the wicked Ministry which was responsible for this legislation had no right to sit in the Council? And yet, in spite of our passing this Act, have we not been returned to this Council? I can assure the hon. Member for the University even if we go to the country we will come here in as strong numbers as we are to-day."

* Mr. S. SATYAMURTI :—"A pious hope."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"The question of mandate from the electorate comes with some ill-grace from my Friends on the other side. These men when they withdrew from the Council and when they walked out did not care to go to the electorate and consult them. They walked out of the Council, not because they had a mandate from the electorate, but because they had a mandate from a higher authority, i.e., the All-India Congress Committee, which has nothing to do with the electorate. But what is more I ask, who is the electorate? Our masters are the electorate. Your masters are the All-India Congress Committee. When these members left the Council they never took care to inform their constituencies. Under the mandate policy, had they consulted the electorate perhaps they would not have allowed them to walk out? Now they come to us and say 'you go and consult the electorate'. I ask with whose permission the members on the other side came back to the Council? I say not with the permission of the electorate, but with the permission of an *ad hoc* body, the All-India Congress Committee. So they have no right to ask us to go to the electorate. We have got every right; we have come into this Council after the passing of this Act."

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"Then, again, Sir, the hon. Member for the University was not satisfied with the President of the Religious Endowments Board. When he said that, it fell very harsh in my ears. There were occasions when I differed from that gentleman with regard to his principles, and creed on certain matters. We differed very widely. But I thought he would earn his laurels as well as those of the people of this Presidency when he was placed as the President of the Religious Endowments Board especially adorned as he did once the bench of the highest tribunal in the land. If my hon. Friend the Member for the University is not satisfied with him, I do not know who else can satisfy him. It is impossible for any Minister, even a Swaraj Minister, if ever he happens to be on this side, to find a more honourable man whose integrity, whose sincerity of purpose and whose conscientiousness of judgment can ever be surpassed by any one."

* Mr. S. SATYAMURTI :—"On a point of personal explanation. I never questioned the honour or the integrity or the conscientiousness of the President of the Religious Endowments Board."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"I am exceedingly glad and I accept the statement of my hon. Friend the Member for the University. I have already said that I hold no brief for that gentleman but I really thought that it was unfair that any reference should be made derogatory to his position."

"Now, Sir, the next objection that was put forward was that this Bill showed a kind of disrespect to the authority of the courts. We are told that there is a continual suspicion in the Act about the courts, exhibited both by the Bill itself and its advocates. To me it is a kind of surprise coming from the other side. Four or five years ago we had known hon. Members sitting on the other side saying 'Why all these courts of law?' I know of non-cooperating lawyers unwilling to go to courts, and to wear foreign cloth. They said they would never be going to courts. No doubt at a later stage most of them applied for regular sanads. May I ask how this wonderful solicitude for the courts has been developed now by the Members of the Swaraj party? After all, this Act is an attempt on the part of the Legislative Council and of the Ministry to see that a simpler machinery is invented which would decide the cases with the least delay—for, we know, Sir, delay in law courts is so proverbial now."

"Under the Estates Land Act when the jurisdiction of the civil courts was ousted and jurisdiction was vested in the revenue courts, similar objections were raised. But experience has shown that we have not been the worse for it; on the other hand, cases which took years for disposal in the district courts were disposed of in days or months in the revenue courts. I think, Sir, by the creation of this machinery we have added something to the advantage and the benefit of those that are directly concerned in this matter. We are told that the existing provisions of law, especially those contained in the Civil Procedure Code and the powers conferred on the Advocate-General are quite sufficient. After three years of discussion in the press, the platform and the Legislative Council, to say that the existing provisions of law are quite sufficient, betrays a lamentable ignorance of the state of affairs. As soon as the Act of 1863 was passed, responsible men who had something to

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do with the administration of temples told us that that Act was found wanting in many respects. It is why so many attempts have been made in this Province and elsewhere for the amendment of this Act. How else can you explain the existence of the numerous committees whose reports were placed on the table of the House? Sir T. Muttuswami Ayyar and Mr. K. Rama Ayyangar have had to tackle this problem and gave it up; but when the Reformed Councils came, there was one man who took courage in his hands and tried to do what others had failed to do. Therefore, these objections fall flat upon us now and do not carry conviction to our minds. There is enough evidence to show that the existing law is quite insufficient to meet the growing needs of an advanced age.

"We have been told that State interference in religious matters is not desirable. But I take it that it is now recognized in all civilized countries that what is called Church property is really the property of the State. The hon. Member for the University must be aware that almost all these properties were endowed by the ancient Rajas who were the rulers of the country in those days. Endowments made by them must have come from State property. They belong to the Nation. . .

"Reference has been made to the Cypres Doctrine. I cannot understand why it is referred to here, except because it is found in the margin of one of the sections of the Bill. An erudite lawyer, not a Member of this Council, has in an article in a well-known journal also referred to this. All the arguments advanced by him have been practically repudiated in this House. The one great blunder committed here is that what is said in the margin of an Act is not part of the Act. These shrewd lawyers ought to have been aware of it. Even the preamble is not part of the Act; only what is contained in the body of the Act is part of the Act. So far as the body of the Bill is concerned, there is no mention of the Cypres Doctrine at all. It is mentioned in the margin only for the purpose of indicating what the section is aiming at. We in this country are not in any way bound by the Cypres Doctrine of England. English Judges in this country have so often imported into this country the notions of the laws of their own country, as for example the laws relating to the relation between the janmi and the tenant in Malabar. They have introduced English principles where they could not find corresponding principles in this land. They have blundered very badly.

"We know that some of these endowments were founded centuries ago. Even the Inam Commissioners were not able to find out what the object of certain endowments was. To-day we find disputes in courts of law, the archaka contending that the property was given to him, the trustees contending that it was God's property. Let us pause for a moment and see whether the intention can be discovered at all in many cases. Day after day you will find devotees coming to the Tirupati temple about whose scheme reference was made in this House, and giving their offerings—women offering whatever they might have had on their person while they were suffering and praying to be cured of the illness and children offering all their jewels and praying that they might be saved. For which purpose they made their offerings never occurs to their minds at all. They never think of the Cypres Doctrine. You cannot by any stretch of imagination say that the offerings

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were made only for the purpose of certain objects. They never thought of the hospital at Tirupati or the Sanskrit school there. How can you say what their intentions were? Once you recognize that these offerings were made to God and that God's property is Nation's property, the Nation will have a right to deal with it just as it pleases.

"We are told that this Legislative Council cannot do that simply because of the weight of the majority; we are told that because the 'wicked Justice party' is now larger in numbers they should not pass confiscatory legislation, confiscation forsooth? It was not confiscation when the head of a religious institution for whom the money was not meant squandered it on women of questionable character; it was not squandering the money when thousands and thousands of rupees were paid to vakils; it was not diverting the money for other purposes when thousands and lakhs of rupees were spent for election purposes just to meet this very Bill. We are told in all seriousness that it is diverting the funds from its original purposes if it is given to a hospital and if a few sheds are built on those hills where no shelter could be had. I wonder how the gentlemen who oppose this measure got this idea of confiscation of the properties of the temples. Is it seriously denied that for years past, ay for ages past, the funds of these temples and of these maths have been squandered on unreasonable and indefensible purposes. Have we not known and seen temples allowed to deteriorate with walls fallen down, with flagstaves broken down and cars burnt down and yet the temple authorities appropriating or misappropriating every pie of the funds for their own purposes without spending a tenth of that money for the purpose of the temple? Therefore when once we see that reform is necessary I fail to see why the Bill should be objected to.

"We are told that in matters like this it is not usual to introduce Bills at a very late stage. We are asked to provide for more time. For four years they have been thinking over this matter. If four years are not sufficient it would be futile to say that four months more would be enough. Gentlemen who have put forward their own measures, hon. Members who wanted to repeal the Act or amend it in various ways, are the very gentlemen who now come forward and say that sufficient time is not given for the consideration of this Bill; and that the provisions of this Bill are entirely new to them and that their minds are just like clean sheets as regards this Bill. I say, Sir, there must be something wrong and something rotten in the State of Denmark. It would serve no useful purpose to allow this Bill to be dragged on to the next Council. The question whether this Bill can be taken up at the next Council or not is not free from doubt. I believe, Sir, that you must have been acquainted with a certain rule that the Government of India have recently made in connexion with the transaction of business in the Assembly and the Council of State. If I am not mistaken it is to the effect that if a Bill was not passed into law during the life-time of a Council it must be considered as a new measure when it comes before the next Council. If that is so, any attempt now made on the part of the Opposition in this Council can only be interpreted as a device for allowing the Bill to die a natural death. We have set our hearts on this measure not because we are in a majority, not because there are temples in the possession of Brahmans, but because we feel that our gods are being degraded by these

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archakas and temple trustees, because our conscience dictates to us that the existing state of things is a disgrace, a national disgrace to the temples and those that surround them. That disgrace must be wiped out and something must be done to regain the lost honour so that we might be held in respect amongst the other nations and in the meanwhile prevent the profiting of interested persons engaged in defending these things."

The House then adjourned at 5 p.m. to meet again at 11 a.m. the next day.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council

APPENDIX I.

[Vide answer to question No. 2279 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 25th August 1926, page 14 supra.]

Subject matter of the report.	Whether for official or for calendar year.	Month of publication of report.	
		Report for	Published in
1. Report on the administration of the Stamp Act.	Official year	1921-22 1922-23 1924-25	August 1922. October 1923. August 1926.
2. Report on the administration of the Labour Department.	Do.	1921-22 1922-23 1924-25	January 1923. October 1923. September 1925.
3. Report on the working of the Planters Labour Act.	Calendar year	1922 1923 1924	March 1923. " 1924. " 1925.
4. Report on the administration of the Jail Department.	Do.	1922 1923 1924	July 1923. June 1924. " 1925.
5. Report on the administration of the Forest Department.	Official year	1921-22 1922-23 1924-25	December 1922. March 1924. " 1925.
6. Report on the administration of the Cinchona Department.	Do.	1921-22 1922-23 1924-25	" 1923. April 1924. March 1925.
7. Report on the working of the Indian Factories Act.	Calendar year	1922 1923 1924	July 1923. " 1924. June 1925.
8. The Administration Report of the Government Press.	Official year	1921-22 1922-23 1924-25	January 1923. December 1923. October 1925.
9. Report of the Chief Inspector of Steam Boilers.	Do.	1921-22 1922-23 1924-25	September 1922 July 1923. March 1926.